

STATE OF CALIFORNIA
MEETING OF THE
CALIFORNIA INSPECTION & MAINTENANCE REVIEW
COMMITTEE

Tuesday, April 24, 2007

California Environmental Protection Agency
1001 I Street, Byron Sher Hearing Room, Second Floor
Sacramento, California

1 **MEMBERS PRESENT:**

2 JUDITH LAMARE, Acting Chair

3 ELDON HEASTON

4 JOHN HISSERICH

5 BRUCE HOTCHKISS

6 ROGER NICKEY

7 JEFFREY WILLIAMS

8 GIDEON KRACOV

9 Al "SKIP" SOLORZANO

10
11 **MEMBERS ABSENT:**

12 PAUL ARNEY

13 DENNIS DECOTA

14
15 **ALSO PRESENT:**

16 ROCKY CARLISLE, Executive Officer

17 STEVE GOULD, IMRC Consultant

18 JANET BAKER, Administrative Staff

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P R O C E E D I N G S

CHAIR LAMARE: - our Executive Director, Rocky Carlisle, and Steve Gould and Janet Baker and everyone here to participate and everyone on the webcast. I think we do need to turn off our cell phone ring tones. Rocky, we will want to know about the webcast and the email for webcast participants.

MR. CARLISLE: Thank you, Madam Chair. The webcast, there's a link on our internet at imreview.ca.gov where they can find the web link. As far as email, they can email imreview.ca - I'm sorry, imreview@dca.ca.gov and that will come to us here.

CHAIR LAMARE: Great. Now let's begin with the introduction of the Members. I'm Judith Lamare and I'm Acting Chair appointed by the Senate Rules Committee. Starting with Skip?

MEMBER SOLORZANO: Good morning, Skip Solorzano.

MEMBER NICKEY: Good morning, Roger Nickey.

MEMBER WILLIAMS: Jeffrey Williams.

MEMBER HEASTON: Eldon Heaston.

MEMBER HISSERICH: John Hisserich.

MEMBER KRACOV: Gideon Kracov, and I just want to make a note, I have to leave after the morning session today.

MEMBER HOTCHKISS: Bruce Hotchkiss.

CHAIR LAMARE: Thank you, Members. We have a quorum.

--oOo--

1 CHAIR LAMARE: The first order of business is to take a look at
2 the minutes from the last meeting which was March 27th. I
3 notice that we had two motions; one to adopt minutes, one to
4 approve out-of-state travel. Not very controversial, I
5 guess. Does anyone see any corrections, additions or
6 subtractions that they'd like to see to the minutes?

7 MEMBER HEASTON: I'll move approval of the minutes.

8 MEMBER HISSERICH: And I'll second.

9 CHAIR LAMARE: Mr. Heaston moved, Mr. Hisserich seconded,
10 adoption of the minutes. All those in favor, please say
11 aye.

12 ALL MEMBERS: Aye.

13 CHAIR LAMARE: Thank you. That was adopted unanimously.

14 --oOo--

15 CHAIR LAMARE: And now the second order of business I asked to
16 be put on the agenda is the nomination and election of an
17 acting vice chair. As you know, we're awaiting the
18 appointment of the chair by the Governor, and should I miss
19 a meeting, there won't be a chair unless we have an acting
20 vice chair. So is there any discussion of this item?

21 MEMBER HISSERICH: Well, I'd like to nominate if I may, Gideon
22 Kracov, public member and a longstanding Member of this
23 Committee. I think he'd make an excellent acting vice
24 chair.

25 CHAIR LAMARE: Thank you, John. Is there a second?

1 MEMBER WILLIAMS: I'll second that.

2 CHAIR LAMARE: Seconded by Jeffrey Williams. Is there a
3 discussion? Okay, all those in favor please signify by
4 saying -

5 MR. CARLISLE: Point of order, Madam Chair?

6 CHAIR LAMARE: Yes.

7 MR. CARLISLE: We need to take comments.

8 CHAIR LAMARE: Thank you. Is there public comment? Seeing
9 none, I will call the question, all those in favor, please
10 signify by saying aye.

11 ALL MEMBERS: Aye.

12 CHAIR LAMARE: Anyone opposed? Any abstentions? Good, again,
13 another unanimous vote. And thank you, Gideon, for
14 accepting that responsibility.

15 MEMBER KRACOV: Yes, I really appreciate you folks having the
16 confidence in me to do that and I will go out and read a
17 copy of *Roberts Rules of Order* immediately.

18 CHAIR LAMARE: Thank you. I think Rocky's ready for you on that
19 one.

20 MEMBER KRACOV: I'll never say you didn't give me anything,
21 Rocky.

22 --oOo--

23 CHAIR LAMARE: Okay, we're all organized now and we are ready to
24 hear from the Bureau of Automotive Repair and the Air
25 Resources Board on their monthly update. I see that Chief

1 Mehler is here. Would you please give us an update about
2 what's going on at the Bureau?

3 MS. MEHL: Yes. We're very busy out there. There's a lot of
4 exciting things going on. Yesterday I participated in a
5 tire safety event with Integrated Waste Management and CHP
6 and it was interesting that the message that BAR gave was
7 about the emissions issues with tire safety and yet most of
8 the stuff that got published on the news was all about just
9 the safety issues. So I think I educated a few reporters
10 yesterday on telling me that they had never linked the
11 emissions with getting their car fixed. So I think we have
12 a huge education in front of us in order to make that link
13 with the people out there. We provided you with the
14 information on CAP. I understand that you will probably be
15 formulating some questions on that today. We have a new
16 director at Department of Consumer Affairs and I have a
17 meeting there at 10:00 this morning so I won't be able to
18 stay. But we'll, certainly, if you formulate your
19 questions, we'll be able to get some answers to you. We are
20 working on a few things, the CAP Program in particular, and
21 we are looking at streamlining that entire program and we
22 are opening up our counter which has not been opened up for
23 quite a while so that people can come to the CAP Program,
24 bring their applications and get approval that same day, so
25 we're very excited. We hope in the next couple of weeks to

1 have that public counter opened. We are also moving forward
2 with some change in the applications. As you know, we just
3 adopted the new application and regulations and we're
4 already seeing some problems with the interpretation of
5 those who are out there trying to fill out the application.
6 Both the RA and the VR applications were combined, thinking
7 that would make it simpler, and it's done nothing but I
8 think confuse people. So we are working on splitting those
9 two applications back out and we will go back in regs to
10 adopt new applications. But along with that, we are
11 streamlining the process and we're looking at allowing more
12 things to go through on the front end and auditing heavier
13 on the back end, which will simplify the whole process for
14 people who need to get through the system and get through it
15 quickly. So we hope to be utilizing the resources that we
16 have available in order to make sure that those who need
17 that service will be able to apply and get it. We are also
18 working with the author and with the Sacramento Air Quality
19 Management District on AB616. And right now in that current
20 form, there is no cap on the CAP Repair Assistance Program.
21 We don't think that's feasible and we will be working with
22 the author and with Sac Air Quality Management District for
23 some changes to that particular piece of legislation to put
24 a cap on it. And we're looking at \$750 for the amount of
25 the cap. I think James is going to talk about the RSD

1 report. We are working on getting our comments out and I
2 think the 40 percent report we're also working on and you
3 should have that soon, is what I've been told. Anyone have
4 any questions?

5 CHAIR LAMARE: Questions for the Chief? Mr. Nickey?

6 MEMBER NICKEY: I'm sorry, could you tell me what the 40 percent
7 report is?

8 MS. MEHL: Weren't we asked to comment on the roadside - James
9 will talk about it.

10 CHAIR LAMARE: It's the refail rate.

11 MS. MEHL: Right.

12 CHAIR LAMARE: Dr. Williams?

13 MEMBER WILLIAMS: You're supporting the AB616, if I have the
14 numbers right, but the cap of \$750, but that's different
15 than the regular biennial or is that going to be a change in
16 all - I thought the -

17 MS. MEHL: We don't have a support position on the bill. What
18 we're trying to do is work with the author on some of the
19 issues that we would like to see in the bill and certainly
20 we would like to see a cap on the repair assistance. What
21 that is, I think that's something we're negotiating, but we
22 would be - we were going to move forward with \$750 anyway,
23 so if this is a vehicle to add that, we'll be happy to
24 assist.

25 MEMBER WILLIAMS: You answered the question I was really asking,

1 which was -

2 MS. MEHL: Oh, okay.

3 MEMBER WILLIAMS:: - you're trying to change the total limit.

4 MS. MEHL: Yes.

5 MEMBER WILLIAMS: Fine, thank you.

6 CHAIR LAMARE: Dr. Hisserich?

7 MEMBER HISSERICH: Yesterday I was watching some of the
8 committees, assembly committees, and there was a bill that
9 came through and I missed the number of it, but it was to
10 move light-duty diesels into the Smog Check Program. We
11 don't seem to have that one tracked here. I think it got
12 out of the committee, if I'm mistaken. Do you know - are
13 you familiar with it?

14 MS. MEHL: Yes, I am. That is a pilot project and we're in a
15 situation where we implement whatever the legislature tells
16 us to implement. We don't have a support position or an
17 opposed position on that particular bill. I think there are
18 some issues with that bill in terms of tailpipe testing
19 diesels. So that's an issue and, I don't know, James, do
20 have - James can tell you. But that's pretty much what the
21 gist of it is, but it's a pilot project and I believe the
22 sponsor is Worldwide, which is a company that produces
23 emissions testers.

24 CHAIR LAMARE: Mr. Nickey?

25 MEMBER NICKEY: Well, to my knowledge, there was never going to

1 be a tailpipe on light-duty diesels, it was all going to be
2 OBD, because a tailpipe -

3 MS. MEHL: That's the proposal -

4 MEMBER NICKEY: - test would impossible -

5 MS. MEHL: Right.

6 MEMBER NICKEY: - with our current equipment.

7 MS. MEHL: Evidently, this company that's the sponsor of the
8 bill believes that they have a tailpipe tester that can do
9 that. I think there's probably some disagreement out there
10 about that and we're monitoring the bill and we'll be
11 watching it. But my understanding from ARB and their
12 proposals on the SIP is to only look at OBD II for diesel.

13 CHAIR LAMARE: Other questions? Thank you, Chief Mehl.

14 MS. MEHL: Okay.

15 --oOo--

16 CHAIR LAMARE: Mr. Goldstene? Good morning.

17 MR. GOLDSTENE: Good morning. James Goldstene from the Air
18 Resources Board. Just a few things to update you on and
19 then certainly answer any questions you have. With regard
20 to the remote sensing report that Eastern Research Group, or
21 ERG, has done on behalf of BAR and ARB, we hope to have a
22 final draft of that report this week and we hope to release
23 it in the next week or two for public comment and peer
24 review simultaneously. We'll make sure the Committee is
25 notified when that report becomes available - the complete

1 report's available for review. Our plan at this point is to
2 put the report out for the public comment and for the peer
3 review for a 45-day period and then complete the report and
4 finalize it in the next few months. I missed the last IMRC
5 meeting, but I understand that there was a question about
6 how IMRC could take advantage of research contracts that BAR
7 and ARB have and I did speak with Rocky yesterday and we had
8 discussed at a monthly ARB and BAR executive meeting how we
9 would work with IMRC to allow the Committee to sort of
10 piggyback or take advantage of our contracts. And so Rocky
11 and I talked about that yesterday. There's a few details to
12 work out, but we don't foresee any issue with IMRC making
13 research proposal requests and us having the contractor do
14 those and we'll build that in to the next scope of work. We
15 have to do a new RFP anyway for the contract, which expires
16 at the end of this fiscal year. So we'll make sure that's
17 an item within the contract. The current vendor is Sierra
18 Research and so we'll be going back out to bid for that.
19 Sherry Mehl mentioned the roadside report. That's the
20 report that identified a high refail rate on the roadside
21 for vehicles that both were failed, repaired, and passed,
22 and just passed. We're finalizing the draft of that report
23 and we're also working with the contractor on an outline for
24 the follow-up report, which will identify or attempt to
25 identify the reasons that that's happening. And so we

1 should have an outline done soon and, when that's completed,
2 we should be able to actually share the outline with the
3 Committee and move forward. Generally, we're going to be
4 holding focus groups initially with consumers whose cars
5 went through the roadside to find out what could have
6 precipitated their refail on the roadside and we're going to
7 be doing focus groups with industry techs to find out what
8 goes on in the shop. We'll also be analyzing existing data
9 and developing plans for obtaining new data that could help
10 answer the questions that were raised by that report.

11 CHAIR LAMARE: James, if I could interrupt you.

12 MR. GOLDSTENE: Sure.

13 CHAIR LAMARE: Are you saying that the follow-up to the refail
14 finding will fall into the next contract, that the fiscal
15 year -

16 MR. GOLDSTENE: I think -

17 CHAIR LAMARE: - ends in July, June 30th, that you'll be
18 negotiating a new contract or going out to bid?

19 MR. GOLDSTENE: It will be a combination of using remaining
20 monies in the current contract and then going through the
21 process and whoever the next contractor will be will pick it
22 up and finish it. It might be a combination of short-term,
23 medium-term, and long-term analysis. So we might be able to
24 get fairly quickly some initial reasons that are obvious or
25 easy to determine that are supported by data, but there

1 might be a need for longer term studies that will take more
2 time, so it will be a combination.

3 CHAIR LAMARE: So have you completed your report or do you have
4 - can we do questions on this topic at this time? Is that
5 all right with you?

6 MR. GOLDSTENE: Sure, it's up to - yes.

7 CHAIR LAMARE: I see a question from Gideon.

8 MEMBER KRACOV: Yes, I was just wondering, so if we're going to
9 have that fail - the report about the failures and then also
10 the remote sensing, do you anticipate in the next 30 or 45
11 days to be releasing those reports for comment?

12 MR. GOLDSTENE: The refail report, the roadside report, that
13 will just be final.

14 MEMBER KRACOV: I see, final, okay.

15 CHAIR LAMARE: Is that basically the report that we heard in
16 October?

17 MR. GOLDSTENE: Yes, yes. The findings of that report were
18 presented to you, but it actually hadn't been written. It
19 is now written and you will get the final copy of that
20 report.

21 MEMBER KRACOV: So would it be - I think we may be skipping our
22 May meeting, but would it be appropriate then in June
23 perhaps for someone from ARB, perhaps you, to come and talk
24 to us about both that report, as well as the remote sensing?

25 MR. GOLDSTENE: Yes. We certainly had planned to make a formal

1 presentation to the Committee at your next meeting, I guess
2 your June meeting, on the remote sensing report, although
3 you will have it long before then to look at. And then we
4 could also present to you again, if you wanted to hear, the
5 roadside report. And maybe the focus of that could be where
6 we're heading, as opposed to what we've done. But just to
7 talk about our follow-up plans. I do have one other item.

8 CHAIR LAMARE: I have another question on that topic from Mr.
9 Nickey.

10 MR. GOLDSTENE: Oh, sure.

11 MEMBER NICKEY: I just have some confusion about this refail
12 rate we keep kicking around. Is this refail after a pass
13 test, no repairs? Or is it refail after a pass test, after
14 repairs?

15 MR. GOLDSTENE: It's both and what the study found was that
16 refail after a pass test on the roadside showed a refail
17 rate ranging from about 18 to 22 percent. And for vehicles
18 that failed, were repaired, and passed, we show a refail
19 rate of 40ish percent upwards over time. So it's two
20 things; it's 20 percent and a 40 percent.

21 MEMBER NICKEY: Thank you for clarifying that for me.

22 MEMBER KRACOV: It would be helpful perhaps to maybe, once you
23 have something in writing, to refresh our recollection on
24 it, we'll go through it again.

25 MR. GOLDSTENE: Okay. And we'll make sure - as soon as it's

1 done, it should be done shortly, we'll send it to Rocky to
2 distribute to the Committee. It will also be on our
3 website. One other thing, I know that some of you are
4 following the work that the Air Resources Board is doing in
5 implementing AB32. We had a public workshop here yesterday
6 in the afternoon for proposed early actions that are
7 required - discreet early actions that are required under
8 AB32 and, because I know the Committee has been interested
9 in tire inflation standards, I just wanted to make you aware
10 that that is mentioned as one of the items that we will be
11 looking at in the future as an early action, and how to go
12 about that, how to make sure the industry takes the extra
13 effort to make sure tires are inflated in a consumer's car
14 and educating consumers. That's one of the things that
15 Chief Mehl is also working on. She mentioned that she was
16 at this press event yesterday about tire safety and tire
17 inflation. So if you want a copy of the report, I have one
18 for Rocky and of course it's available on the website.

19 CHAIR LAMARE: Great, thank you for that report. Are there
20 other questions from Members of the Committee? Well, let's
21 see what public testimony there is and then maybe we'll have
22 more questions for you, James. Who would like to speak? I
23 see Charlie Peters, please come to the podium.

24 MR. PETERS: Yes, thank you, Madam Chair and Committee. My name
25 is Charlie Peters, Clean Air Performance Professionals, a

1 coalition of motorists. I just wanted to comment about two
2 things, actually. On the Air Resources Board's issues with
3 looking into or trying to determine what the source of the -
4 or reason for the 40 percent retest failure rate is, I just
5 wanted to share that historically, from my perspective,
6 there has been efforts by the Air Resources Board to
7 determine what was broken on the car and then find out if it
8 got fixed. What I felt was a huge opportunity, lost
9 opportunity, apparently due to the design of the study was
10 that the folks who did not perform acceptably never found
11 out that that happened. They did an 1,100 car study in the
12 early 90s in Southern California. No one in the 1,100 car
13 study, which was certainly over 1,100 different stations or
14 experiences, ever found out that they did or did not do
15 their job and that the percentage of people who did not fix
16 what was broken on the car was significant and you really
17 can't get a behavior change unless somebody knows that
18 there's a problem. In my opinion, you really can't
19 determine whether or not what's broken gets fixed unless you
20 find out about that before it's repaired. So anyway, I just
21 wanted to share that I - as an example, we did UPS cars when
22 I used to be in business. We started off with a 90 percent
23 failure rate. They'd been doing their own. And we, within
24 six months, went to a five percent failure rate with them
25 reacting to standards being set and they were marvelous.

1 They did a great job, but without knowing it never got
2 corrected. Once you had the communication, they responded
3 in a beautiful way resulting in very significant emissions
4 reductions and tamper reductions and so on. So I just
5 wanted to share an opinion since the Air Resources Board is
6 going to be making decisions as to the design of this
7 program, I wanted to give my opinion about that. Also
8 quickly, I was pleased to see that the 616 apparently - oh,
9 no, excuse me, AB23 has been modified to stopping the money
10 coming out of the Bureau of Automotive Repair.

11 CHAIR LAMARE: Could we hear about that during the comment on
12 legislation?

13 MR. PETERS: Sure.

14 CHAIR LAMARE: Thanks. Mr. Rice?

15 MR. RICE: Good morning, Committee. Bud Rice, Quality Tune-Up
16 Shops. Just a quick comment. I'd like to see you split the
17 testimony into two sections; one being Chief Mehl does her
18 report, then public comment; then Mr. Goldstene does his
19 report, public comment, because I did have something I
20 wanted to bring up with Chief Mehl, but I'll take it up with
21 her office offline. Thank you.

22 CHAIR LAMARE: Thank you, Bud. I see the point, that Chief Mehl
23 has left. But did you have anything to say about what she
24 was talking about that you want to talk to the Committee
25 about? All right. So it looks like it would be better to

1 split those items so that we have public comment and be able
2 to generate discussion around the individual reports, given
3 what happened here. Len? Len Trimlett.

4 MR. TRIMLETT: Len Trimlett, Smog RFG. The one thing I would
5 say, I kind of echo Bud Rice's comments. More public
6 comment in between each of the items would be helpful rather
7 than tying it to the end as was done down in Santa Monica.
8 No chance for public input. One other thing, I was watching
9 the last meeting on the internet. There was no 800 number
10 announced for call-ins. Also, I thank for Rocky for getting
11 me the answer to my questions on the legislation. It would
12 appear that the distinction, if I understand it correctly,
13 is you can advise on the content of how you arrived at a
14 particular item, but you cannot write a letter of support,
15 because that would be advocating and that's where the
16 distinction comes in. Thank you.

17 CHAIR LAMARE: Thank you, Len. Rocky, do we have an 800 number
18 for people to call?

19 MR. CARLISLE: We do have an 800 number that I've used in the
20 past, but after six months of paying the fees, it's about
21 \$100 a meeting, we had no participation on it so I no longer
22 contact or dial in to that 800 number. But I can - you
23 know, if the Committee wishes to, we can certainly continue
24 to do that again. Like I say, there's - in the six-month
25 period, I did log that we had nobody call in.

1 CHAIR LAMARE: So if there are people who are listening on the
2 webcast and do not want to contact us by email, but want to
3 call us on an 800 number, they need to let that be known to
4 our Executive Director by - not now, because we're in a
5 meeting, but - Rocky, could you give your phone number for
6 people to call and let you know that they want to have phone
7 access to this meeting?

8 MR. CARLISLE: You bet. It's 916-322-8249.

9 CHAIR LAMARE: And that's also listed on our website. I see
10 that Gideon has a comment?

11 MEMBER KRACOV: Unrelated to that issue, but I just had one last
12 question for Mr. Goldstene. You referenced during your
13 comments that a monthly meeting between ARB and BAR and
14 maybe I've missed that in the past, has that been the
15 traditional protocol for you folks? I think it's a very
16 important thing, the communication between the two is one of
17 the most important parts of the program. I applaud that. I
18 just wanted to know is that something you've always done or
19 what's sort of the protocol that you have for those
20 meetings?

21 MR. GOLDSTENE: Those meetings occurred on and off over the
22 years, but when I came from BAR to the Air Resources Board,
23 we restarted having those meetings, so we've been having
24 them monthly since I started last August.

25 MEMBER KRACOV: Do you attend those meetings?

1 MR. GOLDSTENE: Yes.

2 MEMBER KRACOV: And the BAR -

3 MR. GOLDSTENE: Well, it's executive level, so it's Tom
4 Cackette, our Chief Deputy Director, myself, some of our
5 staff in El Monte often are there, depending on what the
6 issue is so recently we've been talking about the State
7 Implementation Plan, so we have a lot of our planning staff
8 involved. From the Bureau of Automotive Repair side, Chief
9 Mehl attends, Deputy Chief Vanderlaan and other key staff on
10 her team attend and we take turns, sometimes we go to ARB or
11 they come here or we go there. They're very helpful
12 meetings because, as you know, we work closely. We're
13 talking literally every day on many issues. It's as though
14 we have a hotline to each other. Thank you for your words.

15 CHAIR LAMARE: Excellent. I'm pleased to hear that. James, I
16 do have some more questions, maybe some other Members do as
17 well. Mr. Peters mentioned that it might be more useful to
18 have direct feedback from the roadside to the technicians
19 and shops that had rapid refail and is the ARB and BAR
20 considering anything like that to tie the loop on the
21 refail?

22 MR. GOLDSTENE: We've discussed that, but we're at a point right
23 now that - what the report has done, what the roadside
24 effort as done is it's identified a problem within a program
25 that, for the most part, is very successful, but now we have

1 to figure out what the problem is. I think that is
2 something that we could do once we know what to tell the
3 technician or the shop owner. We don't know enough yet
4 about what's happening, if it's the relationship between the
5 motorist and the technician, if it has to do with catalytic
6 converters, if it has to do with inadequate training or if
7 the car just broke somewhere else. I mean, there's just so
8 many factors that could influence this that we're just not
9 sure what we would say to a shop if we called them.

10 CHAIR LAMARE: On the issue of the catalytic converter, I
11 understand that ARB is preparing a regulation about what
12 catalytic converters will be acceptable in the Smog Check
13 Program. Can you give us an update on that of when we can
14 hear in more detail about regulation?

15 MR. GOLDSTENE: Our staff in El Monte are meeting about that
16 today. I don't have a timeline right now. Earlier this
17 year, the plan had been to bring that to the board's
18 attention for a board decision by the end of this year, but
19 they're evaluating where they are right now in their
20 research and the preparation of that board item, so I would
21 say optimistically we would still have something to the
22 board by the end of this year, but I don't know the current
23 timeframe and they are discussing that - staff are
24 discussing that today. Again, the issue would be requiring
25 OBD II cats to only be used in the place of catalytic

1 converters.

2 CHAIR LAMARE: Mr. Nickey?

3 MEMBER NICKEY: I don't know if this is the place, but I keep
4 wanting to throw this in. If they're going to do that,
5 they've got to put a plate on these things that can be seen
6 as part of a visual inspection that says they're approved.
7 And I really hope that gets written into something.

8 MR. GOLDSTENE: It is going to be written in. It'll actually be
9 - well, it could be a plate or an embossing.

10 MEMBER NICKEY: Either way. It's impossible right now. You
11 cannot tell the difference from the outside just by looking
12 at them.

13 MR. GOLDSTENE: No, we understand that and that will be a key
14 factor to make it possible to identify the cats.

15 CHAIR LAMARE: Regarding your focus groups, I thought you said
16 that the plan was to invite consumers who had failed at
17 roadside after having passed and been repaired. As I
18 recall, the roadside testing that the study is based on goes
19 back to 2004. Surely you're not considering trying to bring
20 in consumers from three or four years ago.

21 MR. GOLDSTENE: No, I think they would get the more recent fails
22 and maybe others. I mean, the roadside team is on the road
23 today, so they're going to try to get recent fails and try
24 to get people's impressions, experiences, see if they will
25 honestly tell us what's going on.

1 CHAIR LAMARE: Thank you.

2 MR. GOLDSTENE: You're welcome.

3 CHAIR LAMARE: Other questions or comments? Thank you for being
4 here. Good report.

5 MR. GOLDSTENE: You're welcome.

6 CHAIR LAMARE: Rocky, there's a really annoying buzzing going on
7 that seems to be from the wireless system. Is there
8 something we can do about that?

9 MR. CARLISLE: I think it tends to be cell phones that are too
10 close to the microphone, even if they're on silent, and they
11 receive a call, I think they'll interfere.

12 CHAIR LAMARE: Oh, let's get rid of the cell phones by the
13 microphones.

14 MR. CARLISLE: So if you have any on today, you might want to
15 put them in your pocket or your briefcase.

16 CHAIR LAMARE: Thank you.

17 MR. CARLISLE: We'll see if that takes care of it.

18 --oOo--

19 CHAIR LAMARE: All right, we're ready to move on. The next item
20 on our agenda is a discussion on the CAP Program and vehicle
21 retirement. And while the Bureau was not ready to give us a
22 formal report on this, they did provide us with some
23 spreadsheets, which were distributed to the Committee and
24 are reprinted in our packets and the purpose of this is to
25 go over these spreadsheets together to look at the CAP

1 Program, generate questions that we would submit to BAR so
2 they can be prepared to answer those questions at perhaps
3 our next meeting. And do we have these distributed to the
4 public at all, Rocky?

5 MR. CARLISLE: No, this was information for discussion by the
6 Committee.

7 CHAIR LAMARE: And we don't have it on the web so we can click
8 it up on -

9 MR. CARLISLE: No, we do not.

10 CHAIR LAMARE: All right. So let me just - while people are
11 looking at this, I'll just kind of briefly review what it is
12 that we're looking at and I'm looking at the 2006/2007
13 Consumer Assistance Program Repair Assistance Report, so it
14 goes from July 2006 to March of 2007. There's a total of
15 22,725 vehicles that have been repaired. There are - the
16 program cost during this period was \$7,490,000 in
17 disbursements, and of the - let's see - I think that we're
18 talking about 69 percent repaired, 15.8 percent denied, and
19 15 percent deficient in that program. So of all the
20 applications that were made, about 16 percent were denied
21 and 15 percent were deficient. So, a question, what does
22 deficient mean? And they have an estimate of emissions
23 reductions here that is based on the 23,202 vehicles
24 repaired by 6 of April and it's estimated in annual tons,
25 which is something that we usually don't do. We usually do

1 it in tons per day, so it's kind of hard to make a
2 comparison, but the emissions reductions are 248 annual
3 tons. Rocky, did you want to comment?

4 MR. CARLISLE: Yes, there's - with regard to the cost-
5 effectiveness of this particular program, it's typically not
6 calculated because it's really an EJ issue, and it's not
7 looked at the same. I mean, one of the things they don't
8 include here, for example, is the overhead of the program,
9 but again it's not an emissions reductions issue as much as
10 it is EJ issue. The other thing is, when I first received
11 these -

12 CHAIR LAMARE: Well, I think it would maybe be incorrect to say
13 EJ, it's more of a consumer protection issue or consumer
14 services issue because -

15 MR. CARLISLE: No, I think it's classified EJ, if I'm mistaken,
16 but I could -

17 CHAIR LAMARE: Well, perhaps it is, but I know that in the past
18 at least, the program has been available to those who had no
19 income problems and weren't -

20 MR. CARLISLE: Yes, that's true.

21 CHAIR LAMARE: - in any specific ethnic minority group, in fact,
22 had just been directed to test-only.

23 MR. CARLISLE: Just a point of information, the draft of AB616
24 eliminates that automatic qualification, should it pass.
25 But I wanted to comment - initially, when I received this, I

1 sent it out to all the Committee Members, you know, on
2 reviewing it, there was an error in July, August, and
3 September where the totals were way too low since - so I did
4 inquire at BAR about that. It's been corrected, so the one
5 you have now will be a little different from the one you
6 originally received in the email.

7 CHAIR LAMARE: Yes, now if Members would look at the final page,
8 it's about retirement and this shows that there were 12,000
9 vehicles retired during this three-quarters of a year
10 amounting to 569 tons of emission reductions and costing
11 \$12.5 million dollars. So that's the other piece of the
12 program. Are there questions or comments? Mr. Nickey?

13 MEMBER NICKEY: Well, my question was, I had never seen a
14 comparison or a breakout of the vehicles that were approved,
15 which ones were approved just because they were test-only
16 and approved because of income, and then am I given to
17 understand that they're looking at eliminating the test-only
18 eligibility?

19 MR. CARLISLE: Only if AB616 is passed.

20 MEMBER NICKEY: And 616 is the one that's going to increase the
21 ceiling?

22 MR. CARLISLE: Annual test.

23 MEMBER NICKEY: Oh, annual testing.

24 MR. CARLISLE: Yes.

25 MEMBER NICKEY: Okay. So if we get annual testing, they're

1 going to eliminate the test-only -

2 MR. CARLISLE: Qualification.

3 MEMBER NICKEY: Okay, so it's going to be all income after that.

4 MR. CARLISLE: Correct.

5 MEMBER NICKEY: Okay.

6 MR. CARLISLE: And it also increased the eligibility up to 300
7 percent.

8 CHAIR LAMARE: Dr. Hisserich?

9 MEMBER HISSEIRICH: Just a quick question. On both of these
10 groups, there's a substantial number of cars that are
11 approved that appear not to then either be repaired or
12 scrapped. Do we - in other words, there were repairs that
13 were 31,000 - if I can read correctly, maybe it's even 34,
14 but I think it's 31 and only 22 actually repaired, 22,000.
15 And then over in the scrap, there's 15,000 approved and
16 12,000 actually scrapped. I mean, I wonder what happens to
17 the people that have gotten the approval and then it doesn't
18 happen, because I don't - it's not denials and I don't think
19 it's deficiencies.

20 MR. CARLISLE: Well, it could be a lag in the paperwork process.

21 MEMBER HISSEIRICH: And carrying it out. I mean, that's a pretty
22 substantial difference between the number approved and the
23 number actually doing what they're approved to do. How long
24 a time do they have after something's approved; do you know
25 off-hand?

1 MR. CARLISLE: I would have to check on that.

2 CHAIR LAMARE: These are all questions we want to submit to BAR
3 and get feedback on.

4 MR. CARLISLE: Yes.

5 CHAIR LAMARE: What are the reasons for denial. I know that
6 Chief Mehl has said that the requirement that the vehicle be
7 owned for a certain period of time.

8 MR. CARLISLE: Correct, it's got to be owned for two years, it's
9 got to be registered to the vehicle owner, it can't have any
10 tampers. If it's tampered, then it doesn't qualify for CAP.

11 CHAIR LAMARE: Well, it doesn't qualify for CAP repairs, but
12 does it qualify for retirement? That's a question -

13 MR. CARLISLE: That you'd have ask BAR.

14 CHAIR LAMARE: - I'd like to put to BAR. Are they denying - no,
15 okay. We have a comment from James Goldstene that indeed
16 the retirement program does not reject vehicles that are
17 tampered.

18 MR. GOLDSTENE: No, it does reject them.

19 CHAIR LAMARE: It does reject vehicles that are tampered.

20 MEMBER HISSERICH: Madam Chair, the rules are here actually in
21 the book, in terms of the application checklist and it -

22 CHAIR LAMARE: Oh, thank you.

23 MEMBER HISSERICH: - tells us.

24 CHAIR LAMARE: Okay. So in our packet is something called the
25 application checklist. You must be the registered owner,

1 you must pay all appropriate registration fees, and your
2 vehicle must have failed a Smog Check. Your vehicle must
3 not have a tampered emission control system, your vehicle
4 must be in a process of being sold or being initially
5 registered, your vehicle must not be registered to a
6 business fleet or a nonprofit organization. So I guess my
7 questions there for BAR would be why aren't you taking
8 tampered vehicles? It seems like we want to get rid of
9 those. And secondly, I guess this a consumer program, so
10 any business use of vehicles isn't covered, but is that
11 prohibition dampening the ability of the program to get the
12 cars off the road, and what is the rationale for continuing
13 that prohibition if we're trying to crank up the scrappage
14 program? Mr. Nickey?

15 MEMBER NICKEY: I just want to clarify tamper again, because it
16 depends on the way you enter it into the machine. Under the
17 current rules, if a gas cap is missing, everything else
18 passes on the car and the cap is missing, and you fail the
19 car for a missing gas cap, that comes up as a tamper. So a
20 lot of it depends on the way it's entered into the machine.
21 Thermostatic air cleaner heat tubes are the same thing. If
22 it's just gone and you put in missing, it comes up as a
23 tamper. If you put in fail, it's not a tamper. And the
24 other thing is, I would speculate on the number of cars that
25 don't get repaired after they're approved. The biggest

1 single complaint I've heard on the CAP Program is the huge
2 delay in getting your car fixed and how long your car has to
3 be tied up before it's repaired. That has always been a
4 problem.

5 CHAIR LAMARE: So your question is what is the current delay -

6 MEMBER NICKEY: It wasn't a question, I was -

7 CHAIR LAMARE: - between application and getting the car fixed
8 or getting the fix approved?

9 MEMBER NICKEY: It wasn't really a question, it was just a
10 comment.

11 CHAIR LAMARE: Well, the rest of us would like to know the
12 answer from BAR as to what is - what's been the history - I
13 would think that's one of the legitimate questions that we,
14 as a committee, would want BAR to talk to us about, the
15 delay between applying for CAP, approval for CAP, and repair
16 of vehicle.

17 MEMBER NICKEY: Yes, both delays are cited, and the few we get
18 that actually come back, that's the biggest single thing
19 I've heard. The reason they did not go cap was it's just
20 the delay, it took forever.

21 MEMBER HISSERICH: If I may, it would be interesting if -

22 CHAIR LAMARE: It's Dr. Hisserich.

23 MEMBER HISSERICH: I'm sorry. Between cars that switch back and
24 forth, in other words, they may consider scrapping them and
25 then say, well, gee, I'm only going to get \$1,000, can I get

1 it repaired and so on. So, I mean, it may be interesting to
2 see whether that - they go back and forth between those two.

3 CHAIR LAMARE: Yes, any research that the Bureau is doing about
4 the consumer response and consumer navigation of these
5 programs I think would be of interest. Mr. Kracov?

6 MEMBER KRACOV: Yes, Rocky, you indicated that this was some
7 data that BAR pulled together for you. They're studying
8 this in some other way?

9 MR. CARLISLE: No, this is just a running report.

10 MEMBER KRACOV: Running report, okay.

11 MR. CARLISLE: Yes, it's a tabular report they maintain.

12 MEMBER KRACOV: Okay.

13 CHAIR LAMARE: The last time we saw this report, we also
14 received a copy of their retired vehicle owner survey and I
15 know that I specifically requested that again because that
16 survey has some really interesting and important information
17 about what people do to replace the vehicle that they're
18 scrapping. Are they - you know, what are they buying, what
19 are they - it tells you whether the vehicle was like a third
20 vehicle in the household or a surplus vehicle in the
21 household versus a vehicle that they were dependent upon and
22 that they have to replace. So I don't see that report here,
23 so again, I would like to be brought up to date on the scrap
24 vehicle owners questionnaire.

25 MR. CARLISLE: I did discuss that with Alan Coppage at BAR and

1 Alan had another meeting in Southern California, he couldn't
2 be here today. However, they've got a new manager in charge
3 of CAP by the name of Tanya Blood and she's just coming up
4 to speed, so he is researching that to get us that report.
5 We'll probably have it for the next meeting.

6 CHAIR LAMARE: I remember last year, they gave us the report,
7 they didn't calculate any percentages and I commented to
8 them that it would be quite simple to set this up with
9 macros to just be a continuously updated report. Every time
10 you add a questionnaire, it adds up and does the percentages
11 on kind of a report form. It seems like it would be quite
12 easy to do that. Dr. Williams and then Mr. Solorzano.

13 MEMBER WILLIAMS: I'm looking at the actual application here and
14 it raises a question in a way that John Hisserich asked
15 already, which is can anybody apply for both at the same
16 time and then be advised as, well, really your car ought to
17 be retired and we'll be happy to do it for you, versus, we
18 think it should be repaired, and who's making that decision.
19 These applications look fairly easy to fill out. I'm
20 impressed and I think most of us have had recent experience
21 with 1040 of the federal government and it's pretty clear.
22 And just apropos that, do you know why it's called Form 1040
23 that we all have tormented? Because it was the 1,040 form
24 produced by the government up to that point, so why not call
25 it Form 1040. This is much better, but it still leaves some

1 questions and I would like to know how in practice someone
2 is advising whether a car is retired or repaired. Because I
3 would think many of these cars are at that cusp.

4 CHAIR LAMARE: Mr. Solorzano?

5 MEMBER SOLORZANO: I appreciate the information on 1040. I'll
6 never forget that now. I thought the information on the CAP
7 Program was very clear and concise, but my only question is,
8 is this information just limited to marketing it to the
9 website and also by the smog shop that is advising the
10 targeted audience that they may qualify for this program?
11 Because I think this is good public information, but I just
12 question how the information is getting out.

13 MR. CARLISLE: All these forms, with the exception of the spread
14 sheets, all these are available on the website. In fact,
15 that's where I brought them down from and printed them. And
16 some stations also keep the applications on hand. It's a
17 voluntary issue. You know, a lot of the test-only's keep
18 them because if they had to go to a test-only, they qualify
19 for CAP automatically.

20 MEMBER SOLORZANO: But again, I guess my comment's more
21 directed. I think this should be expanded to other areas,
22 because if you're relying on the shop just to be the only
23 one to market this program, you know, it's going to depend
24 on that individual to see if they're going to have the
25 appropriate time to explain this program and so forth. And

1 this is good information, but not everybody has access to
2 the web as well, you know.

3 MR. CARLISLE: That's right.

4 CHAIR LAMARE: Good point. So let's ask for a report back on
5 the outreach program and how it works for scrappage. I know
6 that Chief Mehl was talking about extending the amount of
7 time, I think, from Smog Check that the eligibility for
8 scrappage would be operating. In other words, right now,
9 you come up for a Smog Check and you're eligible to scrap
10 your car for a certain window around that and I understood
11 from what she said last time that the Bureau is preparing
12 regulation to expand that window so people have more
13 choices.

14 MR. CARLISLE: I think, too, they've also got a multimillion
15 dollar contract for outreach and I think this is going to be
16 part of that.

17 CHAIR LAMARE: Yes, maybe by the next meeting, they will have
18 concluded their contract with their outreach firm and be
19 able to tell us more what specifically they're going to be
20 doing. Dr. Hisserich? Roger Nickey? Thank you.

21 MEMBER NICKEY: Well, I was just surprised to hear the fact
22 that's voluntary to inform people whether they're eligible
23 for CAP or not at the shop level. Every shop, to my
24 knowledge, is supplied with a supply of the application
25 forms and it was - we were instructed - at least I'm

1 assuming we were instructed, that everybody that qualifies,
2 at least to hand them the forms and the handouts that the
3 Bureau supplied us with. Everyone that goes through ours
4 that's eligible gets one.

5 MR. CARLISLE: Yes, I think that was a request, but I don't
6 believe it's in regulation.

7 MEMBER NICKEY: And if it's not, it ought to be.

8 MR. CARLISLE: But I'd have to look.

9 MEMBER NICKEY: It ought to be. That's the place to do it.

10 You're right at the counter, you're right with the customer
11 that just failed the test, here's your choices.

12 MR. CARLISLE: Right. And a lot of them do that, but like I
13 say, I don't think it's a regulatory requirement.

14 CHAIR LAMARE: Well, I have to come back to our consumer survey
15 and I'm going to go back and look at those results again,
16 because the - one of the findings was that eligible vehicle
17 owners did not know about and were not seeking the Consumer
18 Assistance Program in getting their failed vehicles fixed.
19 Dr. Hisserich?

20 MEMBER HISSERICH: Well, I was just going - they might want to
21 have those forms available at the DMV offices and things
22 like the Auto Club, but particularly DMV. I mean, people
23 are thinking about registration there. It may be out of
24 sequence, but you never can tell. You're sitting there for
25 an hour, there's stuff people looking to read, you know,

1 they could read about this.

2 CHAIR LAMARE: And are there other questions or comments from

3 Committee Members? Mr. Kracov?

4 MEMBER KRACOV: (inaudible - mic not on)

5 CHAIR LAMARE: Is your microphone on?

6 MEMBER KRACOV: On the vehicle retirement part of the

7 information that you provided to us, now a lot of - this is

8 the ramped-up retirement, the expanded retirement monies

9 that the Administration put in, so these are some of the

10 numbers we're seeing from having more money in the program,

11 correct?

12 MR. CARLISLE: That's correct.

13 MEMBER KRACOV: And you had talked before that this is sort of

14 just an ongoing analysis that BAR keeps. Is there some

15 reporting on this? Have we had a report back on how we're

16 feeling about this program now that it's been funded and is

17 more robust than it was earlier?

18 MR. CARLISLE: That's what I requested, but like I say, they do

19 have a new manager in charge of CAP and so she's still

20 coming up to speed. It's a complex program, I think, as

21 James Goldstene could attest to, and it takes - you know,

22 there's a learning curve involved.

23 MEMBER KRACOV: Yes.

24 MR. CARLISLE: And she's only been there, I believe, a month.

25 MEMBER KRACOV: And what - if you know, in the SIP, was role

1 does the expanded retirement have in the SIP and maybe
2 that's something that our SIP committee can look into, but
3 are we going to be relying on that heavily in the SIP?

4 CHAIR LAMARE: Could we ask Mr. Goldstene to address that?

5 MR. CARLISLE: Yes.

6 MR. GOLDSTENE: James Goldstene from the Air Resources Board.

7 The proposed State Implementation Plan envisions 50,000 cars
8 retired annually in the South Coast and 10,000 cars retired
9 annually in the San Joaquin Valley, so 60,000 a year. The
10 close to 20,000 cars that BAR is retiring this year - I
11 don't know what the exact number will be, would count
12 against that for those cars in those nonattainment areas.
13 So we're looking at 60,000 total in the SIP. And at \$1,000
14 a car, you're looking at about \$60 million to fund that
15 annually.

16 CHAIR LAMARE: I do remember that in our consumer survey, we
17 were finding that there was a lot of variability by air
18 basin. And my question for the Bureau has been since then,
19 where are you retiring the vehicles, where are you repairing
20 the vehicles? What is the CAP Program impact in enhanced
21 areas? And I haven't gotten any feedback on that. I think
22 this is good that the SIP issue is raising how many are
23 being retired in the South Coast, how many in San Joaquin,
24 and setting goals for those areas specifically where we -
25 you know, the need is so much greater than Calaveras County

1 or Marin County. The Bay Area has some nice prevailing
2 winds, but the people in the inland areas are getting
3 trapped.

4 MR. CARLISLE: I'll follow-up on all these questions with
5 Sherry.

6 CHAIR LAMARE: So we might need to get our transcript a little
7 bit accelerated so we can look at that. Mr. Kracov?

8 MEMBER KRACOV: Yes, I know that Ms. Mehl had to leave, but I
9 think - and I don't know if there's anybody from the Bureau
10 here in the room at the moment. I don't think there is. I
11 think that would be helpful if, even when the Chief has to
12 go, if someone could be here to listen to the Committee when
13 appropriate.

14 MR. CARLISLE: Normally there is, but like I mentioned, Alan
15 Copping, which is normally the contact, he had to have
16 another meeting, but I'll ask if there's an alternative.
17 There used to be another gentleman by the name of Marty Gunn
18 and I don't know if he's still assigned as the liaison with
19 the Committee, but I'll check on that.

20 CHAIR LAMARE: Other comments or questions by the Committee
21 Members? Okay, we'll have public comment. Mr. Peters?

22 MR. PETERS: Yes, Madam Chair and Committee, my name is Charlie
23 Peters, Clean Air Performance Professionals, a coalition of
24 motorists. On the issue of the scrappage, I have some
25 questions about whether or not what we're doing is

1 beneficial at all or a lot and I think a random quality
2 audit of those cars to find out what's really going on with
3 them would be very advantageous to public policy in making
4 decisions. I also find it interesting that what the
5 newspaper is reporting, what different people are saying in
6 testimony in the Capitol, what the Air Resources Board is
7 saying, it doesn't sound like everybody's got the message as
8 to what this scrappage is going to cost. As an example, in
9 last year's evaluation of the Cogdill Bill, they were
10 indicating in the analysis that it was going to be \$10,000 a
11 car. I found a newspaper article last night that was about
12 30 days old indicating \$5,000 a car. Indicating I've seen
13 consistently 33,000-car goal for scrappage in the Central
14 Valley. That's what was testified in the Capitol. We're
15 now hearing 10,000. So, not saying that that's incorrect,
16 but I find it interesting that it seems like everybody has a
17 different goal and just a comment about that and having
18 knowledge about what the intents are is very helpful in
19 making decisions as to where what's appropriate to support
20 or not support, but back to the initial issue. If you don't
21 have some sort of a real evaluation as to whether there's
22 any useful life in that car at all and you're giving
23 significant credits for crushing the car, we're making
24 assumptions it may not be about good public policy. And I
25 would suggest that it's appropriate to do some sort of a

1 random quality audit to find out what is being scrapped and
2 whether or not we're actually making any reductions at all.
3 Thank you.

4 CHAIR LAMARE: Thank you, Mr. Peters. I think, as Rocky said
5 when he started, the Consumer Assistance Program has been
6 put forward by the State, not as an air quality program, but
7 as a way to help consumers cope with the Smog Check Program.
8 And yet it is of interest to know what is the actual air
9 quality benefit of the program, so I think Mr. Peters raises
10 a good point about how is the real life of the vehicle
11 evaluated, the scrapped vehicle. Who does it, when does it
12 happen? Is there any evaluation of that, is there any
13 inventory being taken so that the air quality benefit of the
14 program can be assessed? And maybe with the scrappage going
15 into the SIP now, that does elevate the program to a
16 different level or its purpose has shifted. Dr. Williams?

17 MEMBER WILLIAMS: I find myself with a related question to what
18 Mr. Peters has asked and put it this way. Should we be
19 hoping or not that the vehicle that is scrapped - let's even
20 say it has had a catastrophic failure of its emissions
21 control system and it's not worth the repair - is that - are
22 we happier if that's the first time that vehicle's had that
23 or is it the fourth time in eight years that it's needed
24 repairs? I'm not sure it's still a bad vehicle at the time
25 it's retired, so I'm not even sure how we standardize for

1 that. It would be nice to know a little more about those
2 vehicle histories I think.

3 CHAIR LAMARE: Test them, says Mr. Heaston.

4 MR. CARLISLE: Madam Chair, there's an email from Tom Wencil
5 (phonetic), it's on your screen.

6 CHAIR LAMARE: Mr. Heaston, could you activate your microphone
7 and just make that comment and then - I don't have that on
8 my screen, but that's because I have the timer. So maybe we
9 could -

10 MR. CARLISLE: If you like, I'll just read the email.

11 CHAIR LAMARE: Yes, first let's us -

12 MEMBER HEASTON: The only comment I had was that the only way to
13 quantify it, I guess, would be you'd have to test the thing
14 before you scrap it to find out just how gross it was and
15 then that would give you the number, whatever the baseline
16 is.

17 CHAIR LAMARE: Maybe it's a more thorough Smog Check than a fast
18 pass. Okay, would you read the question we have on the web?

19 MR. CARLISLE: Yes, he comments that, "Regarding roadside fail
20 rates shortly after passing previous Smog Check, as I've
21 noted before, this a problem common to all I/M programs I've
22 looked at. Using off-cycle tests, the vehicle that occur at
23 different times after previous I/M cycle. I've also seen a
24 similar result for OBD II equipped vehicles in Phoenix." He
25 says, "See attached. Because of the repeat fail rates in

1 centralized test-only programs are comparable to those in
2 Smog Check, it is unlikely an issue of test fraud."

3 CHAIR LAMARE: Interesting. Could we get that email then
4 forwarded to us individually so we have that comment?

5 MR. CARLISLE: Yes.

6 CHAIR LAMARE: Any response? Any other comments? Mr. Trimlett?

7 MR. TRIMLETT: Len Trimlett, Smog RFG. Again, with relation to
8 the air benefits of scrappage, I think you need to discuss
9 the emission reduction credits. If you read the
10 legislation, it essentially says no net offset - no net
11 increase, which essentially means you haven't gained a thing
12 with scrappage. You transfer pollution credits from the
13 scrapped vehicle to somebody who buys the credits to offset
14 their pollution. No net increase. No net benefit to the
15 air. So, again, why are there emission reduction credits?
16 Also, I note here legislation tracking. It just came out
17 today. We just went through a discussion on you cannot
18 advise - say advise - you cannot say support, yet this
19 legislation tracking says the Committee supports it.

20 MR. CARLISLE: That was an action previously taken by the
21 Committee and you can't undo the action. So that now is
22 just to advise the Committee of the status of various
23 legislation going through the process. We can still make
24 comments on it. We just can't take a support or oppose
25 position. That was the attorney's decision.

1 MR. TRIMLETT: This document goes to a lot of places.

2 MR. CARLISLE: It goes to a lot of places, yes, but again, those
3 positions were already taken, the letters were already sent.
4 We can't retract them.

5 MR. TRIMLETT: Okay, thank you.

6 MEMBER KRACOV: Randy?

7 MR. WARD: Good morning, Madam Chair and Members. Randall Ward,
8 Executive Director of California Emissions Testing
9 Industries Association. A couple of thoughts. Mr.
10 Solorzano was talking about outreach and it's been an issue
11 that we were concerned about for some time, certainly in the
12 prior administrations of Smog Check. And it was like
13 pulling teeth to try to get a brochure that just explained,
14 here's the Smog Check program, why was I directed to test-
15 only? In other words, why me? And what does this mean? So
16 you do the feel-good thing, like you're cleaning up the air
17 and those kinds, but then you also have the hard information
18 about the Consumer Assistance Program, the scrappage
19 programs, and the kinds of things that are potentially
20 available to the consumer that is in the awkward position of
21 having failed a Smog Check on their vehicle. So it might be
22 worthwhile, having said that, to have the Bureau bring in
23 those materials that they use for public outreach, the
24 hardcopies that are handed out at the Smog Check stations
25 just so you have a chance to see what's there. So in your

1 list of requests - secondly, in the list of requests, this
2 Committee has spent a substantial amount of time on the
3 issue of cut-points and if the State is spending money
4 fixing a car, it would be a reasonable question to ask what
5 those cut-points are. You have an average cut-point for all
6 three compounds, how far below the line were these State-
7 assisted repairs? And I assume that's something that could
8 be put in a table or a graph so that you would get some
9 perspective on it because, obviously, our interest is
10 highlighted given the initial work at Sierra Research that
11 has shown many after-repair tests where the cars are failing
12 again. Thank you very much.

13 CHAIR LAMARE: Thank you, Mr. Ward. Let's add those questions
14 to our list. Rocky?

15 MR. CARLISLE: Yes, if I could just comment with regard to Mr.
16 Ward's question about how far below the cut-points. The
17 problem is like Dr. Williams and I have discussed,
18 everything's fast passed, regardless if it's CAP, test-only
19 or test-and-repair, so you really don't know. The second it
20 has a ten-second passing average below the cut-points for
21 all three emissions categories, it's a passing vehicle. So
22 it can be an immaculate vehicle if it were run the full time
23 of the test. But we'll never know unless we start turning
24 off fast pass for a portion of the testing.

25 CHAIR LAMARE: Now, isn't it the case that IMRC recommended

1 turning off fast pass for a portion of the test?

2 MR. CARLISLE: That's correct.

3 CHAIR LAMARE: That was in our 2005 report, 2006 report. Have
4 we had any response from the Bureau on that?

5 MR. CARLISLE: No, we have not.

6 CHAIR LAMARE: So I guess one of our questions would be why is
7 the Bureau not turning off fast pass for retests on CAP-
8 repaired vehicles. Other questions? Mr. Nickey?

9 MEMBER NICKEY: Well, that was my exact question. If fast pass
10 is the issue, why don't they do that on after-repairs CAP?
11 That sounds sensible to me. The other thing was, we keep
12 kicking around performance. This sounds to me like that
13 ought to be something ground into performance grading of
14 test-and-repair, even test-only.

15 CHAIR LAMARE: Could you elaborate a little more what you mean
16 by performance grading?

17 MEMBER NICKEY: Well, for instance, if a shop fixes one and it
18 just barely passes the test, or did it pass really well,
19 that would - to me, that would be kind of a measure of the
20 level of repair that was received. Did we do really good or
21 did we do not so good. I mean, just an item, not the whole
22 thing, but just an item. There's so many - there's so few
23 things we can use to judge performance that seem to be fair,
24 that would seem to me like an efficiency rating for
25 performance.

1 CHAIR LAMARE: So what does it do to the cost of the test to
2 turn off fast pass on retests? Well, a lot of the retests
3 are free, right?

4 MEMBER NICKEY: Well, the retests I'm talking about are after-
5 repairs retest, so in test-only - well, no, we get them
6 after repairs. I don't know how you'd do that.

7 CHAIR LAMARE: You get them after repairs, right?

8 MEMBER NICKEY: Yes, I don't know how you'd do that unless you
9 put a retest in as a separate test, because there's no way
10 to turn fast pass off from the shop level. It'd have to be
11 done from the Bureau level.

12 CHAIR LAMARE: So we need more discussion on fast pass, I guess.
13 It has been a long time since we talked about that, with no
14 feedback.

15 MEMBER NICKEY: Because the problem I've had with turning off
16 fast pass across the board, even for a day or two or three,
17 is what do you do with a customer that comes in - is that
18 you're basically giving two tests then. The customer comes
19 in one day and gets one test, comes in another day and gets
20 a different test. That doesn't seem fair to me either. You
21 either have to do it across the board or not at all.

22 CHAIR LAMARE: And why do we have fast pass?

23 MEMBER NICKEY: A car passes the test, why test it any longer -
24 I'm just making a comment, I'm not saying whether that's
25 right or wrong. I'm just saying I believe that was the

1 feeling about having fast pass was that we only have to pass
2 the test, why grind it along for another 90 seconds if it's
3 already passed, if it's already reached the cut-point.

4 CHAIR LAMARE: Rocky?

5 MR. CARLISLE: I think Mr. Nickey is exactly right. I mean,
6 there was an issue early on to minimize the time it took to
7 test the vehicle and so mode one, for example, at 15 miles
8 an hour is 100 seconds maximum, but as soon as the machine
9 sees ten seconds average passing, it's done. So it could
10 technically pass in about 20 seconds on mode one, instead of
11 the full 100 seconds. Then in mode two, it's similar in
12 that you have 60 seconds, and again, it needs a 10-second
13 average passing and it can go on and conclude the test. So
14 it's simply to expedite the time of the test.

15 CHAIR LAMARE: Mr. Peters?

16 MR. PETERS: Charlie Peters, Clean Air Performance
17 Professionals, a coalition of motorists. That's an
18 interesting subject to me as to evaluating cars' performance
19 based upon what the test says. And I would petition you to
20 consider the fact that the test - any test that's ran is not
21 - does not totally decide the whole story. Even federal
22 test procedure by itself, if you don't include visual and
23 functional and make sure that all the original equipment is
24 there, doesn't necessarily have - you know, is not an
25 absolute valid test and that's a test that costs a whole lot

1 of money and takes a whole lot of time. So I believe the
2 test is about determining which ones pass and which ones
3 don't. Using the equipment to determine performance, I
4 think is not valid at all. And because the car is a very
5 complex animal and you have very heavy accelerations and
6 light and just different temperatures and altitudes and a
7 whole lot of different factors that go into total real
8 emissions, and any kind of a quick test, remote sensing, I/M
9 240, ASM, basically are to say, is this car okay or not
10 okay. And using that as a quantifying factor, I don't think
11 is a valid situation. And all program evaluations should
12 take into account a federal test procedure segment of the
13 evaluation to see what's happening because all kinds of
14 things can vary and those things can vary depending upon
15 program design because people go do things that are not
16 necessarily healthy to the overall fleet emissions
17 generation out of a particular car and out of the fleet. So
18 I don't know that that's really a factor, whether it passes
19 or not is really the issue.

20 CHAIR LAMARE: Now, are you saying that you disagree with Mr.
21 Nickey that you would not want to turn off fast pass and get
22 a full test and then use that as a measure of performance in
23 repairs?

24 MR. PETERS: Absolutely correct. I had that discussion with EPA
25 in 1992 at length and they were pushing very hard to use I/M

1 240 as a program evaluation and I felt at that time, and I
2 still feel that I am very convinced, that that's not a valid
3 evaluation. You've got to do a much more comprehensive
4 random-quality audit of what's really going on to get a true
5 picture as to what fleet emissions are because you have -
6 you squeeze the situation here and it comes out over here
7 and so does this thing run awful at 20-miles an hour or 30-
8 miles an hour or 70-miles an hour, but boy it sure is clean
9 here on this ASM test, but the market has addressed that and
10 set the car up to where it passes that test, but running
11 down the road, it's awful. So you've got to be more
12 comprehensive in my opinion -

13 CHAIR LAMARE: To talk about performance?

14 MR. PETERS: For program performance, you've got to have -
15 you've got to have some more comprehensive evaluations in
16 there to find out if all the original equipment, the
17 original design is still there and does it pass - I mean,
18 quantify it on a laboratory-type equipment of a federal test
19 procedure to have a valid evaluation of what the program is
20 doing.

21 CHAIR LAMARE: Thank you. Other comments or questions about
22 this topic? I guess we're ready to study the documents for
23 another month and get the Bureau back to answer the
24 questions that we've prepared for them and have another
25 discussion about the CAP Program.

1 --oOo--

2 CHAIR LAMARE: So our next item is the policies and procedures
3 manual. As you recall, at our last meeting we were talking
4 to legal counsel about our procedures and viola, we realize
5 that we do not have a policies and procedures manual, that
6 this Committee has never adopted a manual whereas other
7 committees have. So in pocket number three, is a very draft
8 procedures and policies - I guess it's a procedures manual.
9 It doesn't have to do with policies of our Committee?

10 MR. CARLISLE: Yes, policies and procedures.

11 CHAIR LAMARE: This draft has not been reviewed by legal
12 counsel. It's just a starting point for the Members of the
13 Committee to comment and ask questions. Hopefully we can
14 develop and adopt a manual that will help the Committee
15 throughout its lifetime, assuming that it continues to
16 exist, to - so that everybody knows kind of what the rules
17 are for the Committee and I wondered if these were available
18 to members of the public anywhere?

19 MR. CARLISLE: Yes, they are, they're on the back table.

20 CHAIR LAMARE: So this is 11 pages - 14 pages.

21 MR. CARLISLE: It's 14 pages, but, you know, when we finalize
22 it, it will probably be reduced a little bit. I should also
23 mention that in the same vein, we had asked Don Chang, our
24 DCA legal counsel, to comment on a letter of support we had
25 written to Dave Jones with regard to AB616 and in the back

1 of that is also his corrections or amendments to that
2 letter, if you will, where we could still write the
3 legislature basically conveying our position on the bill,
4 but just avoid the term oppose or support. And, I mean,
5 it's kind of a nuance that certainly if you recommend
6 something, it seems like you support, but that was I guess a
7 word more than anything else that he said we should avoid.

8 CHAIR LAMARE: Well, I can see right now that I want to - I
9 don't want to accept this because one of the main points
10 that I wanted in the letter was that - was that we do not -
11 we only endorse the bill as introduced. We want to be
12 consulted on amendments and our endorsement doesn't go
13 beyond that.

14 MR. CARLISLE: Correct.

15 CHAIR LAMARE: Now, he's taking that out because he's saying
16 we're not endorsing the bill, so that isn't necessary.

17 MR. CARLISLE: Correct.

18 CHAIR LAMARE: But I think we still need a sentence that says
19 the bill as introduced is consistent with our recommendation
20 and we would have to examine further amendments to continue.

21 MR. CARLISLE: Exactly.

22 CHAIR LAMARE: I need to think about the language, but clearly I
23 don't want to let go of language that makes it clear in our
24 letter that we are only talking about the bill as
25 introduced, the bill that we reviewed in the Committee, and

1 that further additions of this bill and amendments will not
2 carry the recommendation of the Committee unless it's
3 renewed.

4 MR. CARLISLE: Correct. And I think, too, that that's certainly
5 up to the Committee whether you even want to broach that
6 topic in here as far as our policies with regard to
7 legislature.

8 CHAIR LAMARE: Yes, we'll do that. Let's do that.

9 MR. CARLISLE: It would probably be wise, I think, given the
10 discussion we've had on -

11 MEMBER HISSERICH: Madam Chair?

12 CHAIR LAMARE: Let's see, Dr. Hisserich?

13 MEMBER HISSERICH: Excuse me, I'm sorry. Yes, there is a line
14 in here, "Should you make any changes to the bill, we will
15 reassess the bill as amended." Now that implies what you
16 just said.

17 CHAIR LAMARE: Okay.

18 MEMBER HISSERICH: It doesn't say that we would -

19 CHAIR LAMARE: All right.

20 MEMBER HISSERICH: - support it necessarily, but it does say we
21 need to see it if it's changed.

22 CHAIR LAMARE: Yes, indeed. Okay, so going back - I mean, this
23 part of the report is an example and a sample and we're here
24 at this point in the agenda not to talk about legislation,
25 but to talk about this Committee getting and adopting a

1 procedures manual or a policies and procedures manual that
2 can be put into place and be available to the public and
3 everyone will know what we expect of ourselves and others.
4 And so I'm ready to entertain comments. The Committee
5 Members have had this manual. Mr. Nickey, then Dr.
6 Williams, Mr. Heaston, in that order.

7 MEMBER NICKEY: Okay. Page 13, at the top, disseminated. My
8 question is, at what - when any correspondence or an answer
9 to a request goes out from the Committee or the Executive
10 Officer, what have you, at what point does the Committee get
11 to review it, see it, is it published on the website, do we
12 get copies or does correspondence go out and we just don't
13 see it?

14 MR. CARLISLE: Correspondence is submitted at the meeting after
15 it's gone out, unless it's relative to a position that the
16 Committee's taken, at which point, I have the Committee or
17 at least the Chair review it. The Chair has the authority
18 to approve or disapprove any correspondence.

19 MEMBER NICKEY: But my question -

20 MR. CARLISLE: But if you're suggesting that -

21 CHAIR LAMARE: Let's talk about correspondence and communication
22 with other organizations and individuals. The policy begins
23 on Page 12. In the past, there have been informal practices
24 that have governed the relationship between the Executive
25 Director, the Committee, the Chair of the Committee, on

1 communications, and now we have the opportunity to solidify
2 that a little bit, set some parameters and Mr. Nickey is
3 pointing our attention to that issue once to flush it out a
4 little bit. And I think, Rocky, where did you get the
5 language that's in here now?

6 MR. CARLISLE: Some of the language I got from the Contractor
7 Board policy manual, Contractor's Licensing Board. With
8 regard to communications, they don't have - they don't have
9 any in their policy manual. It's typically the
10 responsibility of the executive officer or the director of
11 the board to deal with correspondence. And typically, there
12 is an agreement between the chair and the executive officer
13 at what level does it go before the chair. None of them
14 have it go before the board before it's disposed of. The
15 agreement that the previous chair insisted on was that any
16 document that went to a director or higher in State
17 government that he wanted to see before it went it, if it
18 was a chief or below, I would send it out and then provide
19 it to the Committee.

20 CHAIR LAMARE: Okay, so there's a number of issues here.

21 MR. CARLISLE: Right.

22 CHAIR LAMARE: There's a number of things that maybe aren't said
23 in this policy that we need to flush out, so we're treating
24 this as draft -

25 MR. CARLISLE: But I think there's -

1 CHAIR LAMARE: Are other Members of the Committee wanting to
2 comment on this particular policy on Page 12? Because I'm
3 going to hold then on Dr. Williams and Mr. Heaston until we
4 kind of flush this out a little bit more. First of all, if
5 we say communications with other organizations and
6 individuals, I notice that the first thing you said was that
7 the Executive Director is responsible for those
8 communications. So we need to have that in the policy.
9 That needs to be like the first statement in the policy.
10 The Executive Director will respond to communications to the
11 Committee unless - okay. And the unless is if it's from the
12 Governor, it's from a legislator, and the Executive Director
13 can consult with Chair of the Board about communications in
14 terms of how to respond. Now I recall that in the past, if
15 we had a communication to the legislature, including about
16 legislation, or to the Governor's office, we reviewed it in
17 the Committee before it went out. And I think that's what
18 you mean by "any ancillary information requested by
19 legislature?"

20 MR. CARLISLE: Any ancillary, yes. I mean, for example, if they
21 requested additional information, you know, as a result of
22 our letters, then at the minimum, I would check with the
23 Chair and it may or may not go before the Committee. If
24 they need the information quickly, then the Committee would
25 be advised after the fact. But if it could wait, then it

1 would go before the Committee.

2 CHAIR LAMARE: Well, I think - I'm trying to figure out what Mr.
3 Nickey's biggest concern here is.

4 MEMBER NICKEY: I'll just give you a scenario. If an individual
5 writes a letter to the Committee, either as a whole or
6 individually, and an answer goes out from the Executive
7 Officer, the issue is not to approve what's going out, the
8 issue is to see what the letter was in response to the
9 request. Do we get to see a copy of it after it goes out or
10 is posted on the website, or do we just never get to see it?

11 CHAIR LAMARE: Now, an individual from the public did write to
12 us. Did everybody on this Committee get a letter from an
13 individual station owner within the last month with
14 questions? And so is that letter in our packet?

15 MR. CARLISLE: No, it's not in the packet.

16 CHAIR LAMARE: Okay.

17 MR. CARLISLE: He also wrote me the same letter.

18 CHAIR LAMARE: Yes, okay.

19 MR. CARLISLE: And I'd just like to explain that given the fact
20 that he did write me, I called him immediately because I
21 believe in a quick response, and I wanted to see if he did
22 want a response in writing.

23 CHAIR LAMARE: Right.

24 MR. CARLISLE: And he was just trying to convey the fact that in
25 his opinion he thought more cars ought to go to test-only

1 and we ought to up it to whatever percentage go to test-
2 only. And what I explained to him was if he looked in our
3 report - and I gave him the website and told him I'd be
4 happy to mail him a copy - that we had a topic on there with
5 regard to test-only and the evaluation.

6 CHAIR LAMARE: Okay.

7 MR. CARLISLE: I told him it was also under discussion at the
8 Bureau of Automotive Repair. So that was basically the
9 Committee's position and he didn't require a written
10 response, so none was forthcoming from me.

11 CHAIR LAMARE: I guess, you know, part of what I'm looking at
12 here is that in the past, I recall that our packets had
13 copies of all correspondence that was received by the
14 Committee, by you, and that sort of at the Committee
15 meeting, we would kind of look and see what people were
16 trying to talk about in between Committee meetings.
17 Frankly, as Committee Members on a board that meets once a
18 month, at most, with many other responsibilities and
19 interests, things like letters from the public about stuff
20 that has to do with IMRC are very easily misplaced and
21 forgotten about. And so I thought it was very handy that in
22 our packets in the past, I had noticed that if there was
23 communication, it would show up in our packet.

24 MR. CARLISLE: Those are included when I receive them. But this
25 one wasn't only because he had written to every Committee

1 Member.

2 CHAIR LAMARE: Right.

3 MR. CARLISLE: And although he used the office address, I did
4 forward those letters.

5 MEMBER NICKEY: Just one more -

6 CHAIR LAMARE: Gideon, is this about this issue? Okay - Krakov?

7 MEMBER NICKEY: I just had a quick one. Just as a side note,
8 when I received that, there was no indication that every
9 Committee Member had received that. I got that letter and
10 it looked like it had been directed to me only. And I had a
11 conversation with somebody after the meeting down there and
12 I had assumed that's who had written me. I had no idea that
13 letter went to everybody, so I treated it as something that
14 was directed to me personally and nobody else.

15 MR. CARLISLE: Shortly afterward, you did though, through email.

16 MEMBER NICKEY: What's that? Well, I had to ask you about it.

17 I didn't understand when I got it. That's the reason I
18 reacted to it the way I did, was I, again, thought I had
19 been contacted by somebody on the outside that had written
20 to me personally.

21 CHAIR LAMARE: Did you respond to him, Roger?

22 MEMBER NICKEY: No, because I didn't think it was proper for me
23 to make a response because he was really asking for a
24 Committee view and I don't speak for the Committee. That
25 would be the Executive Officer.

1 CHAIR LAMARE: I think this is a great example of what can
2 happen with communications and what this policy - you know,
3 one of the things this policy is about. Mr. Kracov?

4 MEMBER KRACOV: Yes, I agree. I think that's why we're trying
5 to do this, Eldon - not Eldon, Roger. And I really applaud
6 having, in general, having this procedure manual, and I will
7 offer, Rocky, offline to work with Don and you on some of
8 just the edits once the Committee determines on the
9 substance what it is that we want. I'd like to hear - and I
10 know Eldon raised his mic on this and he serves as an EO and
11 probably has a lot of experience on these issues, but for me
12 - and maybe this can be sort of a proposal that we can chew
13 over and I want to know what you think about it as well,
14 Rocky. I do think that there should be distinction made
15 between correspondence which goes to the real core mission
16 of this Committee, which is making recommendations and
17 actions and policies to the Governor, to the legislature, or
18 the to chiefs, I think, of the BAR or ARB and, I don't know
19 what you think about that, but I think it may be advisable
20 for the Committee to meet and approve such communications
21 before decent by the Executive Officer, that you get the
22 direction from us, unless there's an exigent circumstance,
23 in which case perhaps you can consult with the Board Chair.
24 In other context, I think the day-to-day, for less than that
25 level, as you indicated before, and to the public should be

1 left in your care. I think we also can have a Board policy
2 that indicates that all of your communications and the
3 communications that you receive should be our Board packet
4 each month. And we can put that in a different part,
5 perhaps, but I would hope that sort of proposal would
6 address the concerns that Eldon [sic] has on the real
7 substance that's going through the Committee, unless there's
8 some reason it can't, but that the other things are left in
9 your discretion, which I think we all have confidence you
10 will exercise wisely. That's just my thought on it.

11 CHAIR LAMARE: But you mean Roger Nickey's concern? Yes, okay.

12 MR. CARLISLE: Well, I think that's what I've tried to convey in
13 this draft as well.

14 CHAIR LAMARE: Thank you.

15 MR. CARLISLE: But it does probably need some more flushing out.

16 CHAIR LAMARE: Well, we all need to understand what it is that
17 we're going to do. Mr. Heaston?

18 MEMBER HEASTON: No, I just want to echo the same thing, is he's
19 got to deal with the day-to-day and we don't want to make it
20 so cumbersome that it impedes his ability to do it. And
21 certainly we have to do that. Usually most of the time,
22 there won't be enough time, but if it's an official
23 correspondence, I think we should write it in such a way is
24 the official stuff from the Committee should be brought to
25 the Committee. And I don't know about us getting copies of

1 everything. Maybe you can put them on the website somewhere
2 so that if we are - I mean, that would save some paper.
3 Because most of it will not of some issue for the Committee,
4 and so therefore, maybe we could save the packet from being
5 so large just because there's lots of paper. But I would
6 give your - write in such a way as that you are responsible
7 and if you have a question, that's your job and your charge
8 to be able to discern what things need to be brought to the
9 Committee or not. I don't think you could ever write to be
10 completely inclusive, so it's part of your discretion that
11 we have to trust that you'll be able to make those proper
12 decisions and bring those things that are appropriate for us
13 to act on and those that you feel like you can handle. And
14 then when you mess up, we'll yell at you, and that's it.

15 CHAIR LAMARE: Good. Thank you. Any more comments on the
16 correspondence part of this manual? Seeing none, I call on
17 Dr. Williams.

18 MEMBER WILLIAMS: I have a point that's still on the Chapter 5,
19 Committee Administration and Staff. Bruce Hotchkiss will
20 probably remember that when we interviewed for Executive
21 Officer three or four years ago now, one of the key
22 questions we came up with was based on what had happened on
23 this Committee before any of us were on. But evidently,
24 there was a huge issue of who told the Executive Officer
25 what to do. The Committee was fighting amongst itself and

1 each Committee Member was trying to manage the Executive
2 Officer. And so we spent a lot of time - am I remembering
3 right, Bruce - Rocky can remember, too, questions about how
4 would the executive officer handle a split committee. And
5 we were proposing that the Executive Officer should first
6 and foremost report to the Committee Chair and, especially
7 if the Committee Chair was in the majority of some issue,
8 and if in a minority, then the rest of the Committee could
9 take over on this. It was an idea that not each one of us
10 would be calling every day and saying, Rocky, I want you to
11 work on such and such. I don't think any of that's a
12 problem now and, indeed, if anything we are doing, is we're
13 trying to have Rocky manage us to get working on our
14 subcommittees.

15 MR. CARLISLE: That was -

16 MEMBER WILLIAMS: But evidently the history of this Committee
17 was the opposite. And just because it's working well now,
18 doesn't mean it will always work well in the future. I
19 would suggest a few sentences saying, just general policy,
20 that the Committee Chair is the one that will be trying to
21 oversee the Executive Officer, just precisely to prevent
22 these kinds of abuses. And that's not happening now, but -

23 MR. CARLISLE: That was actually formalized in the duty
24 statement.

25 MEMBER WILLIAMS: Yes, but it's not here in the policy

1 statement.

2 MR. CARLISLE: But it's not in here, you're right.

3 CHAIR LAMARE: So your duty statement should be policy manual,
4 the procedures manual.

5 MR. CARLISLE: It can be, yes.

6 CHAIR LAMARE: Okay. Comments? Kracov? Are you finished?

7 MEMBER WILLIAMS: Yes.

8 CHAIR LAMARE: Okay, thank you, Jeffrey. Gideon?

9 MEMBER KRACOV: (inaudible - mic not on) It's Gideon Kracov.

10 On Page 4, Rocky, just some observations starting there that
11 it would be helpful to refer to the authorizing legislation
12 in the Health and Safety Code, up there, early, particularly
13 since you rely on a lot of that in the introductory
14 statement. On Page 6, under Committee Meeting Procedures,
15 Frequency of Meetings, it says, "The Committee shall meet at
16 least bimonthly." I don't know if - I think that's a typo.

17 CHAIR LAMARE: Every other month.

18 MR. CARLISLE: Oh, yes.

19 MEMBER KRACOV: Yes.

20 CHAIR LAMARE: Is that what you meant, Rocky?

21 MR. CARLISLE: Yes. That was a typo.

22 MEMBER KRACOV: Is that what - is that what our charge is, is
23 every other month?

24 CHAIR LAMARE: We have no charge.

25 MR. CARLISLE: We have no charge.

1 MEMBER KRACOV: I see. Okay. The next thing is under Quorum, I
2 notice there's a quorum section, Rocky, both on Page 6 and
3 on Page 7, so a little bit of that is duplicative and I
4 think you can probably just combine the two. In the first
5 quorum section on Page 6, the second sentence, "Due notice
6 of each meeting and the time and place thereof shall be
7 given each Member in the manner provided by the bylaws."
8 And I'm wondering what bylaws are we referring to. Do -
9 these are going to be our bylaws kind of, right?

10 MR. CARLISLE: Right.

11 MEMBER KRACOV: Okay.

12 MR. CARLISLE: I need to clarify that.

13 MEMBER KRACOV: Yes. Again, these are just smaller-types of
14 items. On Page 9 under Meeting Rules, there's this whole
15 discussion here about if a person wishes to address the
16 Committee concerning alleged errors of protocol, it goes to
17 the Executive Officer, but if it involves staff misconduct,
18 it goes to the Committee. I'm just a little unclear on what
19 all that means. You mean if someone approaches us at the
20 microphone during the meeting and then it would be - go to
21 you and you'd report back at the next meeting? I just think
22 we need some clarification on how that should work and I'm
23 not sure this is the best -

24 CHAIR LAMARE: Yes, and where did this come from?

25 MR. CARLISLE: A lot of this came out of the Contractors Board.

1 They are different in the - because they do have licensing
2 and regulatory authority where we do not. And some of this,
3 in discussions I had with people, actually refer to if there
4 was an error in protocol. For example, a Committee Member
5 talking with - one-on-one with a licensee or an applicant,
6 especially if they were up on charges of some sort. Maybe
7 this is totally unnecessary. Maybe I just need to - I think
8 some of it needs to be there, but I don't think all of it.

9 MEMBER KRACOV: Well, I think that for - so, what got me
10 confused then is the first sentence there under 1, "If,
11 during a Committee meeting, a person wishes to address the
12 Committee," that's one situation. A different situation is
13 when something comes to our attention, either inside or
14 outside the meeting and how deal with that. I think it's
15 appropriate to have some protocol for that situation. I'm
16 not sure if we need a protocol for when somebody address us
17 at the meeting.

18 MR. CARLISLE: Got you.

19 CHAIR LAMARE: Clearly, if someone addresses us at a meeting, we
20 have to listen to -

21 MR. CARLISLE: Absolutely.

22 CHAIR LAMARE: - the - we don't just say, oh, we'll refer that
23 to our Executive Officer.

24 MEMBER KRACOV: And also the Board Chair will be here to listen
25 and to handle that issue, I would imagine.

1 CHAIR LAMARE: Correct her error.

2 MEMBER KRACOV: Right. The next page, Rocky, Page 10, under
3 Travel Claims. It says SAM section. I wasn't clear what
4 that meant, SAM?

5 MR. CARLISLE: Oh, yes, I need to -

6 MEMBER KRACOV: Okay. Under Page 13 - I'm almost through here,
7 but the Executive Officer Evaluation. It talks about the
8 Committee Chair shall evaluate. I think that's a relatively
9 vague standard. Perhaps that's what we want, to leave the
10 discretion in the Board Chair. I don't know - or the
11 Committee Chair - I don't know if you want to have more
12 detail on how that evaluation is to be conducted, in writing
13 or other things. Maybe that's also part of your duty
14 statement.

15 MR. CARLISLE: The State has a form that can be used and we can
16 reference that form in here, is probably the easiest way to
17 resolve that.

18 MEMBER KRACOV: Right.

19 CHAIR LAMARE: Well, the Committee should decide how often they
20 want their Executive Officer to be evaluated. Typically,
21 the Chair may appoint a committee to do so, but we - we
22 ought to have in our policies and procedures - no?

23 MR. CARLISLE: Well, no, I -

24 CHAIR LAMARE: Your only supervision is this Committee; is that
25 right?

1 MR. CARLISLE: Pardon me?

2 CHAIR LAMARE: Your only supervision is this Committee?

3 MR. CARLISLE: Correct.

4 CHAIR LAMARE: You're independent of the Bureau and the
5 Department.

6 MR. CARLISLE: Correct. And that's where the catch 22 comes in
7 because the State has a requirement that all State
8 employees, which I am one, will be evaluated annually.

9 CHAIR LAMARE: Annually, okay. So this should say, IMRC will
10 evaluate their Executive Officer annually and the Committee
11 Chair shall -

12 MR. CARLISLE: That goes contrary, in some respects, to the duty
13 statement, in which it states that I report to the Chair.
14 So that's why I drafted it the way I did.

15 CHAIR LAMARE: Okay. Oh, I see, it does say annual basis. I'm
16 sorry.

17 MR. CARLISLE: Yes.

18 CHAIR LAMARE: I spaced out there.

19 MEMBER KRACOV: And maybe you can reference whatever the State
20 rule is, so be evaluated on an annual basis in compliance
21 with -

22 CHAIR LAMARE: Yes.

23 MR. CARLISLE: Right.

24 MEMBER KRACOV: - blah, blah, blah.

25 MR. CARLISLE: Okay.

1 CHAIR LAMARE: That would be helpful.

2 MEMBER KRACOV: The final two issues, I just - I'm still waiting
3 for those business cards here on Page 13. I never knew we
4 were going to have those.

5 MR. CARLISLE: Strangely enough, those were ordered about a
6 month ago.

7 MEMBER KRACOV: Oh, really? Okay.

8 MR. CARLISLE: And I was contacted again that BAR was redoing
9 their logo and so as soon as the logo was approved they
10 would get them to me. I said, well, the thing is I don't
11 want the BAR logo on them. I want the State logo on them.
12 So they should be here, actually they should be here any
13 day.

14 MEMBER KRACOV: We can do a logo subcommittee, maybe.

15 MR. CARLISLE: Absolutely.

16 MEMBER KRACOV: And then last thing is I do think maybe it's
17 valuable - the issue was raised earlier about what we have
18 in our packets. It may be appropriate to put something in
19 here under - I think, I guess that would be the Committee
20 Meeting Procedures, Chapter 2, on what we can expect in the
21 packets. On the other hand, that may not be necessary, but
22 I wanted to through it out there. And those are my
23 comments. Thank you, Rocky, I think this is - and I applaud
24 the Chair for pushing on this, too, I think it's really,
25 really important to professionalize the operations of this

1 Committee and to really help sustain our activities.

2 MR. CARLISLE: I would agree and I would also maybe suggest that
3 if there are other issues as the Committee reviews this in
4 the next week or so, maybe submit them to me in email so I
5 can incorporate those and get you another draft out post-
6 haste because this does have to go before - it should go
7 before legal counsel before we actually put it into - adopt
8 it.

9 MEMBER KRACOV: Absolutely.

10 CHAIR LAMARE: We need a section on legislation and I guess that
11 fits - we were looking at Page 12 on Communications. It's
12 in Chapter 5, Committee Administration and Staff, but that's
13 not a good place for it. Maybe Communications really
14 doesn't fit in that chapter either, but given the really
15 detailed discussion we had last time about how will this
16 Committee provide input to the legislature on legislation, I
17 think we might even need a separate chapter on that and
18 really codify our understanding of how we're going to do -
19 how we're going to consider legislation, how we're going to
20 comment on legislation. Remember the elaborate process we
21 went through with Assemblymember Horton -

22 MR. CARLISLE: Yes.

23 CHAIR LAMARE: - last year in which she wrote a letter and we
24 spent months and months and months researching and
25 commenting and developing this draft letter. We need to

1 learn something from that experience. The Committee, I
2 think, needs to come together of a mind on how we're going
3 to work with these legislative communications so that there
4 are some guidelines in place and we don't have to rethink it
5 every time. So this is the place to do it.

6 MR. CARLISLE: Agreed.

7 CHAIR LAMARE: And the - just the addition of this little letter
8 - this - as I understand this letter in the back, this is
9 about what was there was the letter we actually sent to
10 Assemblymember Jones and this is legal counsel's edit of how
11 he would have worded it, so we need to think about that and
12 I don't see any problem with how he would have worded it.
13 But I think we need to just spend another meeting really
14 agreeing on what the language says in the manual about how
15 we comment on legislation. Okay. My other comment was
16 about the salary per diem, to make clear to everybody on our
17 Committee that legislation doesn't authorize us to have a
18 salary per diem.

19 MR. CARLISLE: It's really a travel per diem.

20 CHAIR LAMARE: It's a travel per diem only and those - and so
21 any place in here it says salary per diem, it needs to be
22 taken out. And if we think we deserve a salary per diem,
23 then we need to convince somebody at the legislature to pass
24 a bill giving us one. Dr. Hisserich?

25 MEMBER HISSERICH: I was just struck by the conflict of interest

1 piece there. Now we have two Members of the Committee who
2 are there by virtue of being participants in the industry,
3 which we regulate. I'm sure the same is true on the
4 Contractors Board and others. Now, I know that they're not
5 going to make individual decisions about - we don't let
6 contracts for the most part or anything like that, but it's
7 a little complicated here that they not participate in
8 decisions in which somehow it has a financial interest,
9 because, frankly, it does. At least in the global sense of
10 the word, it does. I don't exactly know how to finesse that
11 language to make sense of it.

12 MR. CARLISLE: I think what prompted this section more than
13 anything was Mr. Ward's comment with regard to the
14 subcommittees. And think it has more impact in the
15 subcommittee than it does the Committee per se, but -

16 CHAIR LAMARE: What's the origin of the wording of this - and
17 what page are we on?

18 MEMBER HISSERICH: Page 14, it says Conflict of Interest. It
19 does reference a -

20 MR. CARLISLE: Again, that -

21 MEMBER HISSERICH: - particular Government Code section.

22 MR. CARLISLE: - a lot of the wording from the Contractors Board
23 and some of it I changed, but the idea I did take from the
24 Contractors Licensing Board.

25 MEMBER HISSERICH: I don't pose it to say that I have an answer

1 for it. It just strikes me, though, that as I look at it,
2 it's a little complicated in reference to the some of the
3 folks here.

4 CHAIR LAMARE: Well, everybody needs to read this carefully and
5 go to the code section and let's make absolutely sure we
6 understand this and that we're in agreement with it.

7 MR. CARLISLE: Right. Some code sections I have to review,
8 specifically 87100 of the Government Code, but that's where
9 a lot of this is taken out of as well. I mean, that's the
10 Government Code, we really can't go contrary to Government
11 Code.

12 CHAIR LAMARE: Well, we should be guided by State law -

13 MR. CARLISLE: Right.

14 CHAIR LAMARE: - on this subject and not making it up as we go
15 along.

16 MR. CARLISLE: Exactly.

17 CHAIR LAMARE: Okay, whose mic is up? Mr. Solorzano?

18 MEMBER SOLORZANO: Yes, might I suggest in this section that
19 legal counsel review it?

20 MR. CARLISLE: Oh, legal counsel's going to review the whole
21 thing.

22 MEMBER SOLORZANO: Okay, but I mean if -

23 CHAIR LAMARE: But we specifically want to get legal counsel
24 feedback on -

25 MR. CARLISLE: Yes.

1 CHAIR LAMARE: - how this would apply to us given our
2 appointment procedures.

3 MEMBER SOLORZANO: Thank you.

4 MR. CARLISLE: Yes, I'll actually have that reviewed before I
5 send out the next draft.

6 CHAIR LAMARE: Mr. Nickey?

7 MEMBER NICKEY: I'm just thinking out loud here as one that has
8 a financial interest in this. As a Committee Member, I have
9 general interest. As a subcommittee, then I agree that I
10 shouldn't be - or one of us that had a financial interest in
11 a particular item shouldn't be on a subcommittee that would
12 deal with something that would benefit me or whatever.

13 MR. CARLISLE: Right.

14 CHAIR LAMARE: Okay, Mr. Heaston?

15 MEMBER HEASTON: I just wanted to - on Page 6, the Quorum, we
16 probably would - rather than specify the exact number, we
17 should go with a majority of the sworn and appointed
18 Members, then that way, if there's vacancies that occur then
19 we're not held to the higher number.

20 MR. CARLISLE: I think that -

21 MEMBER HEASTON: And the other thing you want to give
22 consideration is if - let's just say that happened where a
23 plane didn't make it and we short people, but you had
24 everything ready to go, couldn't they act as a Committee of
25 the whole and go ahead and just not conduct any action?

1 They would not take any action, so they could still take
2 testimony, get the reports, and still be able to function.
3 I know operate some that have done that when I can't get a
4 quorum to be able to keep the business of the Committee
5 going, but they just can't vote on anything that particular
6 meeting.

7 MR. CARLISLE: You're correct. I mean that - the discussion can
8 take place, testimony can take place, but it's got to be
9 real clear to everybody that no decisions would be made as a
10 result of that meeting until such time as you had a quorum.

11 MEMBER HEASTON: Right, I mean, you wouldn't approve the minutes
12 or any of that. You'd just go through and discuss and you
13 can have the general discussions and the reports, you just
14 wouldn't take action on anything. But that's a
15 consideration, you might want to include that.

16 MR. CARLISLE: Right. I think the other issue, though, with
17 regard to the quorum, I think that Don Chang kind of
18 outlined that last month where he said that your quorum is
19 basically the majority of the number of Members authorized -

20 MEMBER HEASTON: Right.

21 MR. CARLISLE: - so in which case it would be seven, even though
22 we have currently ten appointed, so you could argue our
23 quorum is really six, but his definition remained to be
24 seven. So I'll check with legal counsel on it as well.

25 MEMBER HEASTON: Oh, okay. That's all I had.

1 CHAIR LAMARE: Gideon?

2 MEMBER KRACOV: As a nervous flyer, I wish Mr. Heaston would not
3 talk about planes not making it. On the conflict of
4 interest question, I've had some discussions with Don about
5 this. This language basically, I think, does come straight
6 out of Government Code and these ethics questions arise on a
7 case-by-case basis. That's the way that they typically
8 occur. And I believe that, from the advice that I've been
9 given, the State and interpretation that our legal counsel
10 will give us is a relatively narrow one. The issue of
11 financial interest typically is a very specific financial
12 interest in a particular thing in the form of contracts, in
13 the form compensation that's going to be directly related.
14 So the more general decision-making that's broadly
15 applicable, my interpretation - my understanding is that
16 does not constitute a conflict of interest and I think
17 that's the advice. Now, every Committee Member on a case-
18 by-case basis has an obligation to disclose to Mr. Chang
19 pursuant - and I think that's in here, they should consult
20 with the EO or the legal counsel to get an opinion on that.
21 I'm not sure if we need much more specificity than this
22 particular policy. Now the idea that somebody has a
23 conflict to be on a subcommittee, but doesn't have a
24 conflict when they're voting on that later on what that
25 subcommittee says, I think is a distinction without a

1 difference. If you're conflicted for the subcommittee,
2 you're conflicted, I would think, on voting on it on the
3 larger Committee as well. On the other hand, I think it's
4 going to be very rare that there is going to be an issue
5 that would require a recusal in either context for a
6 conflict, but I think it's an issue we all have to be very
7 vigilant about and what Don Chang says and what is in here
8 is that it's always better to raise the issue beforehand
9 than to try to - early spotting of it and disclosure is
10 really most of the battle there, instead of coming at it
11 after the mistake has been made.

12 CHAIR LAMARE: Gideon, I think that was very, very helpful and I
13 tend to agree with you that our Committee Members don't have
14 conflicts by being on a subcommittee. But I am concerned
15 that the subcommittees are only two people, that the
16 subcommittees, in a way, define the scope of what the report
17 will deal with, and that if we have members in the industry
18 who have an economic stake in the policies of where the
19 Committee goes, that we need - we should be cautious about
20 their role on subcommittees where the scope of the
21 Committee's inquiry is defined or reined in - could be
22 reined in. Certain things may not be considered because the
23 subcommittee member didn't think it was relevant, but it has
24 - it's not relevant because his industry would be hurt by
25 it. If his ox is going to be gored by it, we don't want it

1 removed from Committee consideration at the subcommittee
2 level for that reason. So I'm a little prickly about that.
3 If we had three-member, four-member subcommittees, I don't
4 think it would matter. Our credibility wouldn't be
5 questioned because one of the members of a two - you know,
6 of a three- or four-member committee didn't want certain
7 things considered by the Committee and just kept them out of
8 the subcommittee report. Maybe I'm seeing ghosts here or
9 something, but I just feel a lot more comfortable with our
10 small subcommittees if we try to separate out the industry
11 members into subcommittees where their interest is the same
12 as the public interest.

13 MEMBER KRACOV: Just - if I could respond to that, Gideon
14 Kracov. I think that is very sensible and I think caution
15 and the appearance of even had in this critical to the
16 functioning of the Committee. I noticed that on Page 11 it
17 talks about Subcommittee Appointments and it says, "The
18 Chair shall establish subcommittees, whether standing or
19 special, as he or she deems necessary. The composition
20 shall be determined by the Committee Chair." I think that
21 language is perfectly acceptable and I think there is some
22 discretion given to the Board Chair on these issues and I
23 think that it's correct and I think that the consideration
24 that you just identified are the kinds of things that the
25 Chair should think about when doing this.

1 CHAIR LAMARE: Oh, okay. Thank you. Rocky, in terms of that
2 Page 11, Subcommittee Appointments, was there a State law
3 that gave guidance that chairs do this role?

4 MR. CARLISLE: Excuse me. I haven't looked up the State law on
5 it yet, but the policy is for most boards and commissions
6 where the chair does have that authority, but I will look -

7 CHAIR LAMARE: If we State Code section, let's quote it here.

8 MR. CARLISLE: I will check on it.

9 CHAIR LAMARE: Other comments? Turning to Page 14, it says,
10 "Removal of Committee Members" and then it quotes Health and
11 Safety Code. I'd like to propose to the Committee that we
12 consider something innovative and ask our legal counsel to
13 comment on it and that is that while the Governor and the
14 appointing authority - I've forgotten about the Senate
15 appointing authority. I know I - you know, it's a term, and
16 I don't recall that term being limited, but both the
17 Assembly and the Senate seats should be described here as
18 the Governor's seats in terms of the appointing authorities'
19 ability to appoint and remove Members. I don't recall that
20 - the term - I don't think we're at-will appointees, we're
21 term appointees -

22 MR. CARLISLE: Correct.

23 CHAIR LAMARE: - so, but what I would propose to the Committee
24 is that if we have a Committee Member who has missed three
25 consecutive meetings or four meetings in six months,

1 something like that, let's pick a number, that as a
2 Committee we request the Member be removed and another
3 Member be appointed to the appointing authority, that we
4 have some official response to absence by our Members, so
5 that we are not in a position of acting - you know, that we
6 have a method for responding to lack of attendance. What's
7 the pleasure of the Committee on that? Dr. Williams?

8 MEMBER WILLIAMS: I would agree with that general proposal,
9 maybe four is the magic number.

10 CHAIR LAMARE: Mr. Solorzano?

11 MEMBER SOLORZANO: No, I concur with while the three times in a
12 row, four in six, that sounds very equitable.

13 CHAIR LAMARE: Anyone else? Comments?

14 MEMBER KRACOV: Maybe just - Gideon Kracov - maybe just
15 something about unexcused, perhaps, might be worthwhile to
16 put in or some other phrasing.

17 CHAIR LAMARE: So the request of the Committee would be to legal
18 counsel and Executive Director to look at language like that
19 and see if it's acceptable under State law to do that. It
20 just really outlines a procedure for us to contact the
21 appointing authority and ask for the Member to be replaced.

22 MR. CARLISLE: Maybe we should put language in the letter to the
23 appointing authority that we would rather them not be
24 replaced until there was a new appointee, because sometimes
25 that takes a little bit of time.

1 CHAIR LAMARE: I think that was a joke.

2 MR. CARLISLE: We're currently down - we have ten sworn Members
3 and we have had ten sworn Members for the three and a half
4 years that I've been here.

5 CHAIR LAMARE: Yes, I think it is time to add to the agenda a
6 discussion of how to communicate with the appointing
7 authorities about getting appointments.

8 MR. CARLISLE: I have been in communication with the Governor's
9 office.

10 CHAIR LAMARE: There are actually three air quality expert
11 appointments to this Committee and one APCO. And of the
12 three air quality experts, I'm the only who has been
13 consistently on this Committee and the Governor has never
14 appointed - the present Governor has never appointed an air
15 quality expert. I don't know, when did Jim Lentz resign? I
16 don't - was he ever sworn?

17 MR. CARLISLE: He was never - he might have been sworn, but he
18 never attended.

19 CHAIR LAMARE: I don't think he was sworn. So I'm very
20 distressed about a Committee that is supposed to have three
21 air quality experts and an APCO and, during my tenure, most
22 of the time we did not have an APCO and I've been the only
23 air quality expert. So I want to put this on the agenda to
24 communicate with the Assembly, the Senate, and the
25 Governor's office about the replace - the appointment of

1 Members to this Committee. I know the Executive Officer has
2 been responsive to this issue and talked to - and I have
3 talked to the Governor's office from time-to-time and the
4 prior chair had talked to the Governor's office, so it's not
5 like nothing's being done, but I think given the fact that
6 we don't get response, we, as a Committee, should put it on
7 our agenda and try and figure out how to escalate the
8 request. So I see Roger and I see Skip.

9 MEMBER NICKY: Do we have an outreach on this or are we just
10 waiting for somebody to stumble through the door? I mean,
11 are we actively for somebody? Should we have a subcommittee
12 for that maybe? Is there anybody that maybe we would like
13 to have and somebody ought to approach?

14 CHAIR LAMARE: Let's ask legal counsel whether this Committee
15 can have a subcommittee for recruiting appointees.
16 Obviously, the appointing authorities are responsible for
17 recruiting and appointing Members to the Committee. The
18 question is, can the Committee help and is it appropriate
19 and does it help. I don't know. Mr. Solorzano?

20 MEMBER SOLORZANO: Well, two items. I want to go back to
21 Gideon's comments as far as adding "excused" and I agree
22 with that, too. It should be defined. The other point was,
23 is there a formal notice that could be sent to the different
24 - the Governor's office, the Assembly, and the Senate from
25 the Committee? I don't know if it does any good, but at

1 least it goes on record that we've made this request.

2 CHAIR LAMARE: That's - that's what I'm asking for, yes. And I
3 - since it wasn't noticed for this meeting, I'm not - I
4 don't think we can take action to direct our Executive
5 Director to prepare a letter from us saying that.

6 MEMBER SOLORZANO: How about a general - what's the part of our
7 agenda, the - no we don't have any open items?

8 CHAIR LAMARE: I think what the legal counsel has said to us is
9 that if we're going to act on something, then we have to
10 give public notice that we're going to act on it and if it's
11 not in the agenda, then we can't make a resolution to - to
12 take action.

13 MEMBER SOLORZANO: But wouldn't it be part of it since we're
14 talking about the policies and procedures? It's an offshoot
15 of that.

16 CHAIR LAMARE: Rocky?

17 MR. CARLISLE: I think that has merit, yes.

18 CHAIR LAMARE: Well, in the policies and procedures manual,
19 we're trying to determine what should be our policies and
20 procedures and so it's appropriate to ask legal counsel
21 about that, how we should communicate with the appointing
22 authorities about replacement, and it's appropriate to ask
23 the Executive Officer to research how other boards and
24 commissions deal with that issue, but I don't think it's
25 appropriate to direct them to go - to write a letter to the

1 appointing authorities at this point. That doesn't preclude
2 any Member of this Committee from contacting their
3 appointing authority and talking to the appointing authority
4 about the fact that we have vacancies. You know, some of us
5 have better connections with certain appointing authorities
6 than others do, so it's always appropriate, as Members of
7 this Committee as individuals, to report back to your
8 appointing authority, which I'm assuming that folks are
9 doing and I'm awfully grateful that they are. But we were
10 talking more about should we, as a committee, kind of stand
11 up and say, okay, we need attention from appointing
12 authorities, all of them. Any other comments on the manual,
13 the drafts, adding items? And it's open, so if we have
14 thoughts in the next week, email to the Executive Officer
15 and we'll bring this back. Time for public comment. Mr.
16 Trimlett?

17 MR. TRIMLETT: Len Trimlett, Smog RFG. I agree with the
18 Committee on adding a section in there on conflict of
19 interest, what constitutes conflict of interest. But one
20 thing I think that would also be helpful is the citing of
21 which codes, the Health and Safety Code, the Government
22 Code, would applicable to the Committee and things like how
23 Bagley-Keene controls what you can do. An appendix citing
24 those references would be very helpful. Thank you.

25 CHAIR LAMARE: Yes, good point. Thank you, Len. I had another

1 comment on Page 2 in that this draft shows Members of the
2 Committee - "List the Members of the Committee and the
3 Executive Officer," but I really see this policy manual, or
4 policies and procedures manual, as transcending any specific
5 composition of the Committee. I don't think it's necessary
6 - I personally don't think it's necessary to have our names
7 on this. You know, I think maybe more appropriate would be
8 a cover sheet with a resolution that says, we the IMRC on
9 May 24th or June 26th, 2007 do adopt this procedures -
10 policies and procedures manual and then have our names on
11 the resolution, but the manual should stand on its own
12 without identifying the specific individuals who occupy
13 these roles at this time.

14 MR. CARLISLE: Again, this was taken off the template that I
15 used.

16 CHAIR LAMARE: Sure. What is the feeling of the rest of the
17 Committee on that issue? I mean, sometimes people like to
18 memorialize. Dr. Williams?

19 MEMBER WILLIAMS: I agree with you.

20 CHAIR LAMARE: Other comments? Dr. Hisserich?

21 MEMBER HISSERICH: The one thing you might list is the
22 chairperson at the time that something is enacted. I mean,
23 that is often -

24 CHAIR LAMARE: Well, I think it would be more appropriate the
25 Executive Officer.

1 MEMBER HISSERICH: No, no, I would have the Executive Officer,
2 but sometimes just as a reflection of the fact that, you
3 know, somebody was running the show at that juncture. I
4 mean, very often you see documents like that with the Chair
5 at the time and the Executive Officer, but not the entire
6 composition.

7 CHAIR LAMARE: Yes, okay. But I think I would prefer to see us
8 have a resolution that's on the face of it or it's like a
9 letter of transmittal kind of thing that we can identify who
10 was the Committee that actually adopted it, the date, and so
11 on, but the manual should be a standalone. Then when it's -
12 you know, it gets amended from time to time. Other
13 comments? No? Other public comments on this proposed
14 manual? Randy Ward?

15 MR. WARD: It's still good morning, Madam Chair and Members of
16 the Committee, Randall Ward, Executive Director of
17 California Emissions Testing Industries Association. Having
18 been in the somewhat unenviable position as the executive
19 director to a commission, and I certainly listen very
20 closely to Eldon and Rocky's comments, one of the big issues
21 that is often referred jokingly is the three-two on a city
22 council or a county board of supervisors by a CEO or a city
23 manager is somehow extrapolating your position as executive
24 director into a policy mouthpiece and speculating and it's
25 one of those things that in policies and procedures are

1 typically made fairly clear that the executive director is
2 to represent positions of the organization that he serves.
3 And it is very similarly to - I guess an example might be if
4 Mr. Heaston was invited to go participate with some LATHCO
5 (phonetic) staff and he was asked to speculate on what the
6 policy of his board might be with regard to one of their
7 recommendations. And that's a very awkward position. If
8 he's going as a representative of his organization and it's
9 a formally-noticed meeting, but something that is less than
10 that, would put him in a very awkward position to try to
11 predict policy. Having said that, if said, here's what my
12 board's policy is, regardless of who he's in front of, then
13 he's standing on very firm ground. And I think those kinds
14 of things are covered, if you want to take a look at the
15 Public Utilities Commission, Energy Commission, Water
16 Resources Control Board, I would take a hard look at the
17 policy division because you're really trying to deal with
18 issues that might involve dissention between Members of your
19 Committee, as well as protecting your Executive Officer.
20 Thank you very much.

21 CHAIR LAMARE: So, Randy, you're saying that in the code
22 governing the Energy Commission, Public Utilities
23 Commission, and other organizations like that, there's a
24 section of the code that describes the duty - the
25 responsibility of the executive director in representing the

1 organization?

2 MR. WARD: Very much, and I think that what you'll find, it may
3 not be delineated in anything other than the duties of the
4 executive officer or executive director, depending on what
5 the title is.

6 CHAIR LAMARE: Okay, so we're going to include in this manual
7 the duty statement for the Executive Director, and at that
8 time - let's get that before us and look at it and see if it
9 reflects that, but there may also be a statement here that
10 we can make about our Executive Director, should always
11 represent the adopted positions of the Committee in public
12 meetings.

13 MR. WARD: I mean, I know that I get asked numerous times, and
14 of course, it's easy for me because I'm not in a public
15 position to speculate, but Rocky's put in that unenviable
16 position often and I know that he handles his job with the
17 utmost sensitivity and is very concerned about saying
18 something that might be extrapolated to be representative of
19 this Committee, but I think it needs to be clear in the duty
20 statement. Thank you.

21 CHAIR LAMARE: Thank you. Other comments? Well, I think this
22 is a great opportunity to kind of firm up the Committee and
23 its understanding of its work. I think it should be called
24 the policies and procedures manual because we will have
25 policies in here and, as policies, they can be changed. To

1 the extent that they're framed by State law, of course, they
2 can't, and that's why it's important that each policy be
3 written so that it's clear what part of it is mandated by
4 State law and what part of it the Committee is choosing to
5 outline. Thank you, Rocky, for putting that forward. That
6 was a very good effort and I, for one, appreciated the
7 discussion as well. So we have very little time before
8 noon. My pleasure would be to go to lunch early, get back
9 here at 1:00, speed through the afternoon. I think Gideon
10 has to leave. Gideon, is there any item on the agenda that
11 you specifically want - would like us to bring up before you
12 leave?

13 MEMBER KRACOV: No, there isn't. I looked at the report
14 planning and I've been assigned, along with John, to the
15 Future Directions of Smog Check and we can talk a little bit
16 about that offline. I don't think there's any need to cover
17 it now.

18 CHAIR LAMARE: Okay, thank you. So any other comments on taking
19 a break? Let's go to lunch and come back at 1:00.

20 MEMBER WILLIAMS: How about 12:30?

21 CHAIR LAMARE: Oh, 12:30 is fine with me. Can you do it?

22 Great, let's do that. Let's get back here at 12:30 and
23 we'll speed through the afternoon.

24 --oOo--

25 CHAIR LAMARE: I'm calling to order the afternoon session of the

1 April 24th meeting of the Inspection and Maintenance Review
2 Committee and we're on Tab 5, which is Committee Discussion
3 on the Membership of Report Subcommittees. You may notice
4 that we have added another committee called Comparison of
5 Other State I/M Programs and we'll have a little report on
6 that in a few minutes, but I think the primary purpose of
7 this committee is to look at the cost of Smog Check and look
8 at how states vary by the cost of Smog Check, so that should
9 be a meaty discussion that will involve everybody, everybody
10 will care. It's a consumer issue, it's a shop issue, not
11 necessarily an air quality issue, but it might be a program
12 avoidance issue, and that would become an air quality issue.
13 So right now we're looking at five subcommittees, the SIP
14 issues, the Smog Check Station Performance, Future
15 Directions of Smog Check, Program Avoidance, and Comparison
16 with other State I/M Programs. So if that list is
17 acceptable to Members, we'll move on the basis of that for
18 now. Any comments? And so let's move onto the discussion
19 of the survey of other states' I/M -

20 MR. CARLISLE: Point of order, Madam Chair, comment?

21 CHAIR LAMARE: Oh, yes, sorry. Thank you. Thanks very much. I
22 need a guard dog here to make sure I follow the law. Is
23 there any public comment on the Smog Check program
24 evaluation topics and subcommittees? Seeing none, then we
25 can move on to the meat.

1 --oOo--

2 CHAIR LAMARE: Under Tab 5 is a draft questionnaire and letter
3 to administrators of I/M programs in other states. I'd like
4 the Members of the Committee to take a look at this.
5 There's been a substitute state survey put in because I
6 guess the wrong one got in. But is this available at the
7 back of the room?

8 MR. CARLISLE: This is not, no.

9 CHAIR LAMARE: Okay, then I'm going to describe this while the
10 Members are looking at it. It's a one-page letter asking
11 for information about I/M from the California Inspection and
12 Maintenance Review Committee and we are asking about the
13 considerable cost differences - or differences in program
14 cost to consumers and noting that we have some information,
15 but we're really lacking the detail that we need to evaluate
16 that information. So the questionnaire that's attached has
17 seven questions intended to find out in much more detail how
18 the cost of the Smog Check is determined in the state,
19 including what is the inspection volume and testing costs by
20 different type of inspection, volume by type, the average
21 cost of inspection, what's the contract cost for centralized
22 programs, what's the average price the consumer pays for
23 decentralized programs, and is there a certificate cost or
24 an additional cost beyond the cost of inspection, which in
25 California, we call our cert fee. Looking - we're looking

1 to find out exactly how the costs are paid, if some costs
2 are paid by the consumer and some are paid by the state, and
3 of the subsidies that support the I/M program, for example,
4 one state has loaned decentralized stations the money to buy
5 analyzers. It occurs to me that we were going to have Steve
6 Gould make this presentation, right? Then what am I doing
7 reading this? Thank you.

8 MR. CARLISLE: In addition, Madam Chair, if I could, just a
9 little background on this.

10 CHAIR LAMARE: Yes.

11 MR. CARLISLE: What precipitated this was Steve has been looking
12 at this issue, but back in August of 05, I had presented to
13 the Committee some information with regard to programs in
14 other states and the - in some cases, significant
15 differences between our program and theirs. And the chair
16 at the time had asked to request that we continue that,
17 updating that information and gleaning as much information
18 as we can. And so when we were looking at the future
19 direction of Smog Check, we thought that some of this
20 information might be valuable. So with that, I'll leave it
21 to Steve.

22 MR. GOULD: Yes, I think my experience - and I've actually tried
23 to do this about ten years ago with some other states and
24 bogged down and didn't have enough time to finish it on my
25 own. I had other things to do at that point, but my

1 experience was that a lot of states fund their programs very
2 differently than we do. We tend to take all of our costs
3 and put them in our Smog Check fee and so some of that money
4 goes to ARB to support their activities, some of it takes
5 care of the BAR overhead, etcetera, but other states, their
6 programs are run by the Department of Motor Vehicles and
7 it's really clear how the accounting goes and whether the
8 staffing is actually paid for by the fees that the consumers
9 pay. The same thing with the air boards in the states, so
10 what one thing I want to make clear in order to get an
11 accurate comparison is, okay, how is your staff paid? Are
12 they paid for by the smog fee, if you have a fee, and so
13 forth. So that's kind of what the questionnaire is trying
14 to get at so we can really compare apples to apples. Our
15 total costs are about \$56 a test. Superficially, based on
16 Sierra Research's analysis, consumers in decentralized
17 states pay an average of \$30 and in centralized states, they
18 pay an average of \$15, unless the test is free. And so we
19 don't know whether the \$15 covers the full cost of those
20 programs, we don't know anything about the cost of the
21 programs where the consumer isn't paying anything, we just
22 have that kind of superficial data. So what the
23 questionnaire is trying to do is get accurate costs across
24 the board.

25 CHAIR LAMARE: Mr. Solorzano?

1 MEMBER SOLORZANO: How long - if this was sent to Rocky to
2 answer, how long would this take to answer?

3 MR. CARLISLE: I'm anticipating within 30 days.

4 MEMBER SOLORZANO: As far as how much time you put into it and
5 so forth to respond to this?

6 MR. CARLISLE: Yes, because my intent was to allow about 14 days
7 for a response and then we'll follow-up with -

8 CHAIR LAMARE: Excuse me, Rocky. He's asking you if you sat
9 down to answer this -

10 MEMBER SOLORZANO: Yes, that's what I meant.

11 MR. CARLISLE: Oh, I'm sorry.

12 CHAIR LAMARE: - for California, how much time would it take you
13 to answer it.

14 MR. CARLISLE: I don't think it would take that long, because -

15 MR. GOULD: I think we could pretty much answer it off the top
16 of our heads -

17 MR. CARLISLE: Yes.

18 MR. GOULD: - and with a few phone calls.

19 MR. CARLISLE: Most of this I could probably answer within an
20 hour.

21 MEMBER SOLORZANO: Okay, I just wondered. And the "fun" cost, I
22 don't understand that.

23 MR. CARLISLE: "Fun" cost - what happened is I scanned this from
24 a Word document and the scanner pulled out the two Ls and
25 made them an N, so in the correct copy that I handed out, I

1 have corrected that, I think. Yes, the corrected copy shows
2 full cost.

3 MEMBER SOLORZANO: And it's a somewhat later draft than the
4 original one and has more comments in it.

5 MR. CARLISLE: Right and that's the danger of scanning
6 documents.

7 CHAIR LAMARE: Comments, questions? The time we looked at
8 statewide comparisons, I remember the Committee discussing
9 what states is it appropriate to compare our state to,
10 trying to determine which ones are apples, which ones are
11 oranges, and be sure we make our comparisons with states
12 that have similar-sized programs, similar kinds of demands.
13 And now I need to go back and find where in our history we
14 identified those states. I remember that we identified
15 about seven states and agreed that in the future we would
16 compare our state to those states specifically. I'm a
17 little uncomfortable with an average that's based on all
18 decentralized programs. There's nothing wrong with
19 comparing to all states, there's nothing wrong with finding
20 out how all states do their specific details, but in terms
21 of reporting our findings, I would be a lot more comfortable
22 if we were reporting our findings compared with Texas, New
23 York, Pennsylvania, Illinois, you know, choosing a group
24 that represents the kind of challenges that California has
25 to face in terms of volume and complexity and having - at

1 least having that comparison, an average of those states
2 versus our state, and then all of these other comparisons
3 that you have in mind. I think it would just add more
4 context to our deliberations on the issue.

5 MR. CARLISLE: That was our intent, because I have actually a
6 separate spreadsheet that identifies those seven states and
7 we did want to narrow it down somewhat.

8 CHAIR LAMARE: I think it's really important to start with the
9 ones that are most our counterparts.

10 MR. CARLISLE: Well, the only two that are really our
11 counterparts or even close is Texas and New York, because
12 even Texas, we still have almost twice as many vehicles as
13 they do, but at least they're somewhat in the realm, if you
14 will.

15 CHAIR LAMARE: And I think if we're going to learn about how
16 these programs work, the different programs, how different
17 they are, we're going to need to drill down and look at them
18 in some detail, so Texas and New York, specifically, we
19 probably want to know more about that. Now I understand
20 you're going to send out the letters and then you're going
21 to follow-up with a phone call.

22 MR. CARLISLE: That's correct.

23 MR. GOULD: As needed, yes.

24 CHAIR LAMARE: So my suggestion would be to follow-up within ten
25 days because I just think people are less and less

1 responsive than they've ever been, in terms of helping
2 anybody out on research and, if you get them on the phone,
3 then you can get the information and we can get on with our
4 work. Other comments? Mr. Nickey?

5 MEMBER NICKEY: I would hope that to get a fair comparison, we
6 would ask the states that are going to answer this what
7 their consists of, because some states - in fact, most
8 states, never even open the hood as part of the Smog Check.
9 Some states, it's an idle check and nothing else. Others do
10 an I/M 240 and a whole lot more stuff, so it's an issue of
11 whether you're going to charge ten bucks for a test and it's
12 a tailpipe test at idle, or whether you're going to charge
13 40 bucks and it's a complete under-hood timing check,
14 functional check, visual inspection, and an ASM.

15 MR. GOULD: Sierra Research has a large publication that they
16 put out every two years that covers all those things for all
17 the states. It's just they're - the cost element in that
18 study was uncertain, it just gave the retail cost and no
19 comment, so that's why we're doing the survey, but we know
20 what the other states are requiring in terms of test
21 equipment and so forth.

22 MEMBER NICKEY: Okay, well, I'm just trying to head off
23 questions that go like - if they're doing them for five
24 bucks in Georgia, why couldn't we charge \$35 here.

25 CHAIR LAMARE: So in how many of the states are there multiple

1 programs? There's - you know, Louisville has a program,
2 Lexington has a program, and they're using different tests
3 and are Phoenix and Tucson using different tests, using -
4 MR. GOULD: Texas has different tests, there are different types
5 of programs in New York; Upstate has one test and New York
6 City has another. We'll cover all that.

7 CHAIR LAMARE: So we're really not going to be comparing to
8 state programs, we're going to be comparing to sub-state
9 programs.

10 MR. GOULD: Sub-state. Although I think the price structure - I
11 talked to Texas last week and the price structure is similar
12 in most of the major cities and the logic and so forth is
13 similar I think. They have different test methods and they
14 even do just a visual test in one smaller city in Texas, so
15 the price structure is different, but the philosophy is the
16 same.

17 CHAIR LAMARE: So it would be really interesting if we could get
18 the Texas and New York reports back in some detail like at
19 our next meeting, by June, instead of waiting for all the
20 results to come in and then having kind of a compilation.
21 Since we know so little about this subject and a lot less
22 than staff does, it might be useful to get an early report
23 on a couple of the big states and how they really work the
24 thing.

25 MR. GOULD: We'll try.

1 CHAIR LAMARE: Dr. Williams?

2 MEMBER WILLIAMS: Is it possible to ask just one more question,
3 which is have you changed any of this funding recently?
4 There might be some states or programs that have recently
5 raised their fees, which is one thing that California now
6 thinks about doing -

7 MR. GOULD: The Sierra -

8 MEMBER WILLIAMS: - just on the specific questions of the state
9 funding, has it been changed recently, because you may get
10 the impression of what the program was and now they're -
11 it's in a transition. Just make sure you ask that question.

12 MR. GOULD: Yes, I've been going to the websites of the
13 different state programs and to the extent that the websites
14 are up to date, I think they confirm what Sierra says
15 mostly, or in one case, there's going to be a change taking
16 place in September. Missouri is giving up its centralized
17 program and is going to RSD.

18 CHAIR LAMARE: Interesting.

19 MR. CARLISLE: One other issue I was going to mention, it was
20 our intent to vet this through BAR and ARB just to see if
21 they wanted to add something to it because it - maybe
22 they're considering something as well, so I thought it would
23 - it -

24 MR. GOULD: Just as a courtesy.

25 MR. CARLISLE: Yes.

1 CHAIR LAMARE: Thank you. Any public comment on the State
2 survey? Any more Committee questions or comments? All
3 right, where does that leave us?

4 CHAIR LAMARE: We're going to move into our Report Planning and
5 Preparation. Oh, I'm sorry. Mr. Peters, thank you.

6 MR. PETERS: Yes, Madam Chair and Committee, Charlie Peters,
7 Clean Air Performance Professionals, representing a
8 coalition of motorists. That subject is presented as being
9 fairly simple, but it gets pretty dicey as you kind of climb
10 into it. As an example, when I was in business in the BAR-
11 90 program, that program started at probably \$75 for a test
12 as a general average, and at the end of that program, in my
13 neighborhood, people were advertising in the paper \$5 pass
14 or don't pay, so anybody could go get a test for \$5 on most
15 all cars. And if it didn't pass, they didn't pay. Though
16 at the same time, there were new car dealers charging \$75 or
17 \$100 or whatever, so what does the customer really have to
18 pay, what is the real market price, and all of these
19 programs have different designs and like in one of the
20 Midwestern - or Ohio or something like that, just now
21 they've made it where the federal government is giving
22 tobacco tax money to run their central program. You know,
23 so it's just - there's just a lot of detail to that and it's
24 not necessarily what meets the eye. What is average person
25 really paying, particularly in California, I think is a

1 really big factor. You tend to get figures, our Smog Check
2 price is \$65, but virtually anybody can out on the street
3 and get one for - even in the San Francisco Bay Area right
4 now for about \$20 in a test-and-repair station. Thank you.

5 CHAIR LAMARE: Good points, thank you.

6 --oOo--

7 CHAIR LAMARE: Okay, so we're going to move on to our Report
8 Preparation and Planning. The first committee report is SIP
9 committee and I believe that Eldon has come prepared with a
10 spreadsheet and is ready to discuss this with us.

11 MEMBER HEASTON: I updated the one that was in our packet with
12 one. I've receive comments from South Coast, so I added in
13 - I missed a couple measures. That's really the most
14 worrisome thing is if I've got everything on here. But
15 basically, if you look at where it says, "Proposed New SIP
16 Measures for On-Road Sources," those on the left side of the
17 paper under that category are basically in the CARB State
18 SIP and then in the right-hand side where it says, "South
19 Coast Air Quality Management District Additional Measures,"
20 that is the measures that go beyond what the State is
21 committed to. I've also color-coded it so we can see that
22 yellow are the items that are currently in process. And
23 Rocky was nice enough to do that for me, it really made the
24 thing stand out. And that's the stuff that BAR is working
25 on currently. The red is what BAR is considering and the

1 blue is legislative from AB616. And that - hopefully I'll
2 translate this to words over the next month, into some sort
3 of verbiage. But I think the challenge for us now is to
4 pick off - of the items, try to prioritize and say, okay,
5 for this year, which things do we need to push, and put in
6 the recommendations.

7 CHAIR LAMARE: Good point. So, questions, comments?

8 MEMBER WILLIAMS: So the SIP is not considering what would
9 happen if the procrastinators are forced to change their
10 evil ways.

11 CHAIR LAMARE: How much credit are we going to get from the
12 Saldana bill? Good point. Okay, so we know that some of
13 these measures are underway. We've had hearings and talked
14 about more stringent cut-points and made recommendations for
15 more stringent cut-points. Our recommendation was based on
16 a Sierra Research report. As I hear Chief Mehl talk about
17 this issue, though, I hear something that goes way, way
18 beyond what the Sierra Research report was about. So I'm
19 unclear what it is that the Bureau is doing to evaluate more
20 stringent cut-points, and if it's beyond what we've already
21 recommended, maybe we need to look at that and see what's
22 involved, I mean, what kind of policy issues are raised by
23 that. So that would be one I would call out for a little
24 more attention. Annual inspections was included in our last
25 two reports. Rocky, did you want to comment on the cut-

1 point issue?

2 MR. CARLISLE: No, I just had a question with regard to low-
3 pressure evap. As I recall the BAR regs, I thought they
4 stated in the Initial Statement of Reasons that the
5 hydrocarbon reductions were 14 tons per day and here the SIP
6 is showing 8.2. Do you know the discrepancy there, Eldon?
7 I don't know if -

8 CHAIR LAMARE: I think it was 2010 and this is 2014, but I - I'm
9 not going to speak for ARB.

10 MR. CARLISLE: That could be.

11 CHAIR LAMARE: But that's something we need to figure out.

12 MEMBER HEASTON: Yes, that's why I'm going to need peer review
13 to make sure I didn't - because when you're doing this
14 stuff, you pick them off the list, so I could be off.

15 MEMBER NICKEY: The 14 was for now. It goes down as the years
16 go on.

17 CHAIR LAMARE: Yes, right. Good, thank you. That's the
18 clarification I was trying to make. The 14 was today's
19 emission reductions and because these are systems that are -
20 oh, I'm sorry. There's a request for public comment from
21 somebody who probably knows the answer to this.

22 MR. NORD: It's 2010.

23 CHAIR LAMARE: Carl Nord says that he agrees with me, it was
24 2010, but in any case, whether it was 2007 or 2010, the
25 estimate was about - was 14, and this is for a future year,

1 which is an attainment year or deadline. As I understand
2 IT, the measure addresses emission reductions from old
3 systems that are going to be going out through attrition,
4 and that was one reason why the environmental community was
5 so insistent that this thing get implement now because those
6 are real emission reductions now for the next few years, but
7 eventually they die. Annual inspection for vehicles, we've
8 made a recommendation, I'm not sure that we've exhausted all
9 of the policy issues there. And I've said before, I don't
10 know how we identify high-mileage annual vehicles before
11 their eighth model year, in which case, I'm not sure what
12 you get out of this. ARB has suggested that that's probably
13 a commercial vehicle rule. Again, how - I don't know what
14 they're proposing there. In fact, I will say this you,
15 Eldon, I don't know what they're proposing in most of these
16 measures. It's just words on a page, so anything you can
17 find out in more detail about - well, you're going to
18 inspect motorcycles, what exactly are you going to inspect.
19 I don't think they even know. Good questions came up this
20 morning about expanded passenger vehicle retirement, that
21 the volume that was anticipated was 70,000 and they're
22 having trouble doing 17,000 today, so that's - other
23 Committee Members want to comment on this list? A question
24 on the bottom, it says, "Modifications to reformulated
25 gasoline program." I didn't see anything like that when I

1 looked at the SIP. Do we know what that - remember what
2 that is?

3 MEMBER HEASTON: And as you note, there's no emission reduction
4 beside it and while it's not specific to Smog Check, I just
5 stuck it on here. I'm not sure - I was just picking off -

6 CHAIR LAMARE: It was in the SIP proposal?

7 MEMBER HEASTON: Yes, it's the State SIP, so -

8 CHAIR LAMARE: That's interesting.

9 MEMBER HEASTON: - that's why I don't have any numbers. That's
10 - so the State can help clarify that.

11 CHAIR LAMARE: Okay.

12 MEMBER HEASTON: Like I said, I think it's reasonable to ask
13 those questions of - when we get them in here, is we're
14 going to support or recommend a particular portion,
15 especially like four, inspection of motorcycles, that we
16 know - or are they talking about just for new ones, adopting
17 a new regulation for them or are they talking about testing
18 them, or what?

19 CHAIR LAMARE: I think one of the purposes of this spreadsheet
20 is to show the contrast in - between some of the things that
21 the South Coast wanted, beyond what ARB is committing to.
22 So that's one of the things that the Committee may want to
23 spend a little more time on. Deployment of Phase 3-OBD is
24 an issue that I don't recall our Committee spending a lot of
25 time on. And that - at the South Coast Forum, there was a

1 presentation by Mike McCarthy of the Air Resources Board on
2 what's called Remote Continuous OBD Monitoring. He
3 suggested that perhaps the way to go about doing that would
4 be for the State to license contractors who can provide that
5 service on a voluntary basis, and in much the same way that
6 the Smog Check program works with licensed repair and
7 licensed testing stations. So I believe in the final
8 version of the South Coast AQMD, it was talking about
9 voluntary OBD III, but we might want to get a presentation
10 about, well, what does that mean. Rocky, do we know
11 anything about the schedule for ARB to adopt SIP measures?

12 MR. CARLISLE: I understand it's going to be by June.

13 CHAIR LAMARE: So it might be that the value of our Committee
14 would be to point directions for us for next year for a more
15 detailed study on the measures that are somewhat vague. Are
16 there comments or questions? Eldon, thanks for putting this
17 together. All right.

18 --oOo--

19 CHAIR LAMARE: Smog Check Station Performance Committee, we did
20 a lot of work this month, so Rocky, do you want to report on
21 that?

22 MR. CARLISLE: Yes, under Tab 6, about the third item back is a
23 proposal to look at station performance and the proposal is
24 to engage Emily Wimberger as a subject matter expert to
25 complete and report to the Committee on a methodology for

1 classifying enhanced area testing stations by failure rate,
2 controlling for vehicle characteristics using the most
3 recent test data available. We basically worked on a
4 methodology looking at the data and looking at the
5 methodology to sort that data and kind of slice and dice it,
6 but we thought it made more sense to present to the
7 Committee the proposal globally as opposed to getting into
8 the nitty gritty of the data itself.

9 CHAIR LAMARE: Now, I think a couple of things here are really
10 relevant. One is that in doing this research, we're calling
11 on Emily Wimberger as an expert, so we're going to
12 compensate her for her work on this -

13 MR. CARLISLE: Correct.

14 CHAIR LAMARE: - and she's going to give a report to us in late
15 June; that our timetable here is to have a report back no
16 later than our June meeting. And then she's going to work
17 under the direction of our IMRC Board Member, Dr. Williams.
18 And Dr. Williams is going to redo the Sample D, and he's
19 also going to do a Sample S. So, Jeffrey, could you
20 describe to us about Sample S, how it differs from Sample D
21 and what you expect to be coming out of that?

22 MEMBER WILLIAMS: Sample D, which I've studied before, is a
23 1/1,000th sample of vehicles eligible for a biennial test
24 where they might have otherwise been directed because they
25 fit the high-emitter profile, they're not. Sample S is a

1 complement to that Sample D in that it's 1.9 percent,
2 instead of .1 percent, a much bigger sample, and all those
3 vehicles are directed, even those that would not be directed
4 by the HEP. So I thought it would be useful to study some
5 characteristics of those vehicles, pass/fail rates, all
6 kinds of similar characteristics, because they're all
7 directed, it might help us to understand better, whether
8 it's make, model, vehicle mileage, and so on, which is
9 contributing to the failure. And that would help us
10 understand why vehicles fail. It will be a similar
11 methodology to - or type of analysis to what I did with
12 Sample D, it just -

13 CHAIR LAMARE: Well, you were looking at fail rates controlling
14 for model year.

15 MEMBER WILLIAMS: For model year and all that, and so I think I
16 can do a similar study on Sample S fairly easily.

17 CHAIR LAMARE: The difference being that in Sample D, vehicles
18 went to test-and-repair, vehicles went to test-only, but it
19 was voluntary.

20 MEMBER WILLIAMS: Yes.

21 CHAIR LAMARE: And Sample S, vehicles were directed to test-only
22 regardless of whether they were expected to fail or not.

23 MEMBER WILLIAMS: Yes and this should also give us some idea of
24 the variability and pass/fail rates by type of vehicle.

25 That's what I was - so that's what I'm proposing. I will be

1 making use of the history of the vehicles, so did previous
2 failure indicate current failure. That's my plan.

3 CHAIR LAMARE: And I'll just make one more point about this
4 study plan is that we're going to try and use the highest
5 resolution data we can on failure rates and vehicle
6 characteristics, but we are not going to compare those
7 between test-only and test-and-repair. We're only going to
8 look at - we're going to silo those types and look at
9 performance within the types. And so I think that's a
10 little bit different way of looking at it this time. We're
11 more focused on what's the expected failure within that type
12 and what's the range of performance, what's the range of
13 outcomes within that type, and so we expect to learn a lot
14 more about the testing failure rates.

15 MEMBER WILLIAMS: One final point of the methodology, that in
16 particular, we'll be using the information that Emily
17 Wimberger has been collecting about the - what she calls
18 location codes, the facilities that may have been changing
19 the type of test, test-only, test-and-repair, Gold Shield,
20 whatever, chain, to see use of those breakdowns and
21 particular region. So this we hope will culminate her line
22 of research that you've hearing about the last year or so.

23 CHAIR LAMARE: Great.

24 MEMBER NICKEY: Just a note on this station performance
25 evaluation. I would hope that a component of this would be

1 - well, I hate to use the word enforcement, because I don't
2 like it, but this is a way to help measure performance. The
3 Bureau already has records on all the stations based on
4 their history in regard to enforcement. If there's anyway
5 that we could help direct the Bureau in that direction to
6 have some input into this, I think it would a help in
7 evaluating station performance, because I really hate to see
8 this reliance on fail rate. We've all agreed that fail
9 rate's not a good way to do and I'd like to see other things
10 being use in -

11 CHAIR LAMARE: So you want to include citation data for the
12 stations?

13 MEMBER NICKEY: Well, that and overall just because a station -
14 I mean, when I say enforcement, I'm talking about, for
15 instance, quarterly audits. Okay, you can - there can
16 comments and things about your performance on a quarterly
17 audit that are not citations. For instance, if a station
18 had repeated comments about a particular procedure, hasn't
19 been fixed or whatever, that would be something we could
20 consider for performance.

21 CHAIR LAMARE: Great. Thank you. Other comments on this
22 subcommittee work, research? Emily will be contracted with
23 our Executive Officer -

24 MR. CARLISLE: Not contracted, subject matter expert.

25 CHAIR LAMARE: Well, we're paying her.

1 MR. CARLISLE: There's a significant difference, yes, but a
2 contract requires a long, drawn-out process.

3 CHAIR LAMARE: We're not contracting with Emily -

4 MR. CARLISLE: Thank you.

5 CHAIR LAMARE: - for this work. We, however, will pay her under
6 an agreement that the State can make with a subject matter
7 witness, if she finishes, says her professor. Public
8 comment?

9 MEMBER WILLIAMS: I put that clause in for the obvious incentive
10 reasons.

11 CHAIR LAMARE: Randy Ward?

12 MR. WARD: Now it's good afternoon, Madam Chair and Members.

13 Randy Ward, California Emissions Testing Industries
14 Association. I was a little bit unclear as, specifically,
15 what - as to specifically what Emily was going to be doing.
16 Dr. Williams, could you elaborate just for a second - on
17 your time?

18 MEMBER WILLIAMS: I'm a little unclear, too. I will do most of
19 the very raw computer computations as my computer has that
20 set up. I'm imagining, as I've done before with her, I give
21 her analysis by vehicle or by station and she then makes the
22 analysis of the - and a presentation accordingly. The last
23 presentation she made - what, two months ago now - she did a
24 lot of the analysis, but I had done some of the computations
25 for her, following her instructions. I was the research

1 assistant in that sense.

2 MR. WARD: Okay.

3 MEMBER WILLIAMS: So I - there's not going to be a sharp line
4 here.

5 MR. WARD: The way -

6 MEMBER WILLIAMS: Let's say we're going to study the percentage
7 of abortions by certain type. I will have done the
8 computations, but then she'll do the analysis of which
9 station-types are doing the abortions. That was an example
10 from the last time.

11 MR. WARD: Okay. By station-type, so it -

12 MEMBER WILLIAMS: Yes.

13 MR. WARD: I guess my questions relate to what kind of fruit we
14 expect this to bear and one of the concerns that I had
15 earlier when we had our - you had your discussion about fast
16 pass and being able to get, you know, adequate data out of
17 vehicles was something that I had mentioned in the past,
18 which the Bureau had agreed to and this was under a prior
19 Administration, which was to take a certain percentage of
20 vehicles that had received the benefit of the Consumer
21 Assistance Program repair and take those so that you had a
22 statistically representative sample and either retest those
23 vehicles at a referee or at a test-only where you had an
24 objective test, from someone other than who had completed
25 the repairs. And I had done some relatively small analysis

1 because I don't have the computer capability that Dr.
2 Williams has. I have the kind of computer that most of us
3 have at home and it's modern and fast, but as soon as you
4 start putting a million test records on it, it becomes an
5 inoperable kind of effort. If you're trying to do more
6 than, say a day or two, and I was only able to do one day, I
7 just picked a day, I didn't search for a day, and found that
8 ten percent of the vehicles that had received consumer
9 assistance on a repair had chosen to go get their free or
10 discounted retest as opposed to paying for it, which they
11 could at the Gold Shield station where it was repaired.
12 They had chose to go back and get their free or discounted
13 retest and they failed. I would think that would be a
14 potentially important analysis to be included within the
15 context of the work that we're talking about. But having
16 said all that, I still haven't heard - and maybe - I missed
17 a couple of meetings and, Dr. Lamare, you were good enough
18 to have emailed me and said there was an update on Sierra
19 that I missed, so I apologize for that. But I'm still a
20 little bit unclear as to specifically what Sierra is doing
21 with the data. The data only goes so far and you can only
22 extrapolate so much and I'm just kind of unclear as to
23 what's going on at this point. And I would hate to see
24 something that didn't necessarily mesh or was duplicative as
25 opposed to both being constructive in and of themselves to

1 the process.

2 CHAIR LAMARE: So I hear you have two comments. The first
3 comment is that you would like to see the Committee look at
4 the CAP vehicles that chose to be retest at the test-only
5 station.

6 MR. WARD: Yes, but Dr. Lamare, what I was - based on the
7 comments and the discussion that was had this morning, on
8 the issue of the difficulty, I guess, in trying to get good
9 information because of the fast pass, that would certainly
10 be one way to get it, would be to say a certain percent of
11 those vehicles need to be going to an independent third
12 party for a retest so that you can statistically determine
13 that the Gold Shield is, in fact, performing. Obviously,
14 when a vehicle gets stopped at roadside six months after a
15 repair, it's pretty difficult given the cut-points and the
16 way they're structured now, i.e., it's an average that
17 includes a four-cylinder and V-6 and possibly even a V-8 to
18 have anything you can really put your finger on. But if you
19 really want to look at like vehicles, which is what Dr.
20 Williams is talking about, he's talking about specific
21 models and engine types, it would appear to me that there
22 may be some way of doing that if you could capture a
23 statistically representative sample of those vehicles that
24 had received the repairs. Now you may be able to do that -

25 CHAIR LAMARE: By capture, you're talking about having a

1 research protocol that follows up on vehicles as they're in
2 CAP repair, which is kind of beyond what we're working with
3 here as existing data, to analyze existing data. You're
4 suggesting a research protocol that involves tracking some -
5 going out and retesting some vehicles.

6 MR. WARD: And maybe that's not possible, but short of that,
7 there may be an opportunity to take roadside test data from
8 specifically those vehicles. Obviously the vehicles we're
9 most concerned about that received State money, because
10 there's a sense of fiduciary responsibility, I'm sure, on
11 your part and on the Bureau's part.

12 CHAIR LAMARE: So a good question, Rocky, to ask and get report
13 back of what percent of the roadside inspections or CAP have
14 been - the roadside data that's available or the annual
15 roadside data, what percent of the vehicles that are stopped
16 and tested have been repaired at CAP, Gold Shield stations,
17 with CAP assistance funds, so then we get an idea of well,
18 how big of a group is this.

19 MR. WARD: And -

20 CHAIR LAMARE: The second part - oh, sorry.

21 MR. WARD: Oh, that's all right. I just was saying the gist of
22 your discussion today was effectiveness, as I understood it,
23 and its' frustrating because you - with the fast pass, you
24 can't - with existing data, off the disk data, you cannot
25 determine that.

1 CHAIR LAMARE: I think from my part of - you know, in my point
2 of view, I would just like to get better sense of the
3 failure - because we have failure rates, and that's what we
4 have, of the expected versus actual failure rates on
5 specific models, how far can we go, we don't know. A
6 reasonable resolution, certainly model year, engine type,
7 what's the range there and we know that 15 percent of the
8 vehicles going through Smog Check fail Smog Check, but that
9 percentage varies the older vehicle the higher the failure
10 rate to a certain point. I'd just like to get a better
11 picture of how that varies and if there are, within the
12 universe of testing stations, isolating the repair stations
13 and the test-only stations from each other, not comparing
14 them, if within those two groups, what's the variability,
15 where's the - what do distributions look like, what's the
16 standard deviation.

17 MR. WARD: Well, and you make a good point. I mean, what you're
18 trying to do - and there were questions about the scrappage
19 retirement program as well, you know, if the work that Dr.
20 Williams does identifies 1989 such-and-such and such-and-
21 such with a four-cylinder engine that when it hits 160,000
22 miles, they're showing that they've got emissions problems,
23 then all of a sudden you've got a group you can capture.
24 And one would think that would be something that had been
25 thought about at the Bureau, but -

1 CHAIR LAMARE: We can learn more about the vehicle fleet.

2 MR. WARD: - certainly would be - yes.

3 CHAIR LAMARE: So, Jeffrey, did you want to comment on that?

4 Because I have one other response.

5 MEMBER WILLIAMS: I have one specific point here and I agree

6 very much with the direction you're going. And the thought

7 that occurred to me earlier, I requested which vehicles had

8 been in CAP recently and Rocky can say that - called under

9 the previous administration that it was very difficult to

10 get the information, but we finally got it and I was given

11 all the VINs of vehicles in CAP over the previous four

12 years, but omitted to tell me when they were in CAP. And so

13 the obvious analysis, which is did the vehicle get repaired

14 well and so it passed the next time is a little hard to say

15 when you don't know which time. So maybe what you're

16 suggesting is we go back, Rocky and I and ask for that list

17 again. And if they would be so kind as to include the date,

18 we could do some analysis. I think that's a very

19 interesting thing to look at. I'll make a final -

20 MR. WARD: It came with a barber chair, but no scissors.

21 MEMBER WILLIAMS: Yes, it was frustrating and we'll just leave

22 it at that. More interesting may be some analysis that will

23 be possible with the dataset that Dean Saito just gave me a

24 week ago and I haven't started to work on yet, 3,000

25 vehicles that were called - whose plates were called in the

1 Los Angeles area for being smoking vehicles. And we thought
2 it would be really interesting just to look at their Smog
3 Check histories. Are these chronic fail, fail, fail, abort,
4 abort, abort, pass or are they a very different pattern.
5 Who knows?

6 CHAIR LAMARE: Did you get dates on that one?

7 MEMBER WILLIAMS: I have dates on those. What he didn't do was
8 give me the - he thought it would help - he stripped out the
9 duplicates. I thought it would be interesting if the same
10 vehicle got ten calls versus one, but I just know if they
11 got one call.

12 MR. WARD: Not a statistician, I take it.

13 MEMBER WILLIAMS: Yes.

14 MR. WARD: A request that I have of you is as soon as you learn
15 how to wash the new data, would you please let me know?

16 MEMBER WILLIAMS: I'm not sure I have.

17 MR. WARD: Thank you.

18 CHAIR LAMARE: Hang on a minute, Randy. Roger?

19 MEMBER NICKEY: Just to clarify, Mr. Ward, what you're proposing
20 for after-repairs tests of CAP vehicles, what you're
21 suggesting is not just like it to be reactive and wait
22 around for one of them to blunder through a roadside test,
23 you're talking about actually picking ten percent of them
24 out and actively going after them and saying would you
25 please come down for a free Smog Check at blah, or however

1 that might work out, so that we've got an idea of pass rate
2 after repairs, after it passed an after-repairs test maybe a
3 month or two later.

4 MR. WARD: Yes, I've been very frustrated because the Bureau had
5 committed to this actually some years ago. At the time - it
6 was at the time that the Gold Shield stations were allowed
7 to do the retest. And as soon as they were allowed to
8 retest a HEP vehicle that they had repaired, you know, I
9 brought up the issue that it would appear reasonable that
10 they take a random percentage that was statistically
11 accurate and test them to ensure that they got their money's
12 worth when it got repaired and it was never done. And so
13 now what you're left with is looking at roadside data, which
14 six months later, may not be a good measure of the repair
15 performance. And I think there is some ability with
16 existing data to take a look at that. I mean, the next
17 step, obviously the next step wouldn't be just Gold Shield
18 cars that are fixed, it would be all cars that are fixed by
19 a licensed Smog Check repair station and then are failing
20 their retests and have to go back and be repaired again and
21 put through this consumer-unfriendly loop.

22 CHAIR LAMARE: Rocky?

23 MR. CARLISLE: Yes, I think this comparison has merit. My only
24 concern would be that you used all three station types as an
25 after-repair test, whatever period of time afterwards. And

1 the reason I say that is because currently CAP is basically
2 held to a standard by BAR who determines what repairs are
3 going to be done and once they're below the cut-point,
4 whether one part per million or a hundred parts per million,
5 that car is complete and it goes through the process. Now
6 any station, repair or if it's just passed on the first time
7 is going to have deterioration. So my point is you have to
8 compare it to all three station types. You couldn't just
9 single out CAP and say, well, look at the fail rate after
10 the fact. You'd have to do it with all three station types.

11 MR. WARD: Well, I think there's a distinction that can be made
12 here because the CAP program is using State money and that's
13 a major distinction. And to the extent that this program is
14 going to be able to achieve its budget allocation, both in
15 the legislature and within the Administration on an annual
16 basis, it has to demonstrate success. And to the extent
17 that those cars pass on a borderline level, that's just good
18 information. That's information you all need to know. If
19 they're repairing these to a minimum standard using State
20 money, then maybe there should be another level of analysis.
21 There were questions today about should you repair the car
22 or should you say, hey, it's time to retire the car. So
23 here's your option; it ain't a repair that's going to cost
24 \$500, it's a retirement that's going to give you \$1,000,
25 because this car - and if you had Dr. Williams' analysis

1 that showed that this class of vehicles are basically
2 doomed, then you'd have an additional justification for
3 making that kind of decision. Anyway, thank you very much.

4 CHAIR LAMARE: There was another question that you raised last
5 time and you raised it again today; what is Sierra doing
6 with the data? And we did hear last time and we - or time
7 before last and we heard today from James Goldstene, an
8 update on the Sierra Research proposal in which James said
9 that there was early, middle, and late or long-term analyses
10 to determine more what causes the refail rate, what are the
11 multiple causes, and I did not get the sense from what he
12 described, which indeed is quite vague, that our Committee's
13 work would in any way duplicate or get in the - interfere
14 with the Sierra Research contract work. I think he's going
15 to release - and James can reinterpret this - my impression
16 was that he was releasing an outline of what Sierra was
17 going to do within the next month.

18 MR. WARD: Okay. I just think -

19 CHAIR LAMARE: And that involved a lot of focus group stuff.

20 MR. WARD: Okay. I just think it would be reasonable to look at
21 that work effort and see how this can potentially complement
22 it, add to it, etcetera.

23 CHAIR LAMARE: It's tough because we're not in the room. I had
24 the impression when we started on this road that IMRC would
25 be in the room, but we're not in the room. And what we

1 heard today was that six months ago, Phil Heirig came and
2 told us that the refail rate was bigger than it was two or
3 three years ago, but basically the same findings in that
4 we're going to get that official report in the next month
5 and then they're going to move on from there.

6 MR. WARD: Well, I think it would be very reasonable for this
7 Committee to say that we're embarking in a specific
8 direction and we'd like specific information that can help
9 us tailor the way we sail or set course here.

10 CHAIR LAMARE: Well, we were pleased to -

11 MR. WARD: And that's very disappointing to me that somehow
12 you're not in the loop because you all take your public
13 responsibility, I assume, very seriously, and -

14 CHAIR LAMARE: We were assured this morning that they would cut
15 us in to any research that we wanted from the new contract.

16 MR. WARD: Okay.

17 CHAIR LAMARE: Which RFP goes out in the summer, it gets written
18 up in the fall, and two years later, you get a result. So I
19 think we're getting some phenomenal research results for
20 free from our Committee Member who's very publicly-minded
21 and his university's backing -

22 MR. WARD: I pay for that. I have a daughter that goes to that
23 school.

24 CHAIR LAMARE: And he's giving papers about our issues in
25 national professional meetings, so I think this is - we're

1 really, really benefiting from the research program that we
2 have underway, which is due to the generosity of Dr.
3 Williams and UCD and Emily Wimberger. Not that I wouldn't
4 want to work with Sierra Research, but I think we're getting
5 much faster results here.

6 MR. WARD: Okay, well, thank you very much.

7 CHAIR LAMARE: Thank you. Other comments? More public comment?
8 Mr. Len Trimlett?

9 MR. TRIMLETT: Len Trimlett, Smog RFG. Jeffrey, how big is the
10 database - how many records in there about?

11 MEMBER WILLIAMS: Through - I have - January of 1998 through
12 February 2007 and maybe March is coming in a moment.

13 MR. TRIMLETT: Okay.

14 MEMBER WILLIAMS: The last count was 114 million test records,
15 give or take a couple hundred thousand.

16 MR. TRIMLETT: Okay. I think that a very interesting result
17 would be for those vehicles directed to test-only, break out
18 by model year how many fail their first Smog Check. Second
19 break out for those vehicles directed to test-only, how many
20 passed by model year.

21 MEMBER WILLIAMS: I will be doing that.

22 MR. TRIMLETT: Thank you.

23 CHAIR LAMARE: Other comments, public comments? Committee
24 Members? Okay. Thank you, Jeffrey.

25 --oOo--

1 CHAIR LAMARE: Future Directions of Smog Check.

2 MR. CARLISLE: Madam Chair, if I may?

3 CHAIR LAMARE: Yes, please.

4 MR. CARLISLE: We were going to talk about a subset of
5 performance with regard to the incentives committee, that's
6 another - I provided the notes to the Committee with the -
7 with regard to the ad hoc incentives committee that we had
8 had a couple of meetings late last year.

9 CHAIR LAMARE: Could you report on that?

10 MR. CARLISLE: Yes, the idea behind this was to get industry,
11 government, all the interested parties together and discuss
12 various incentives that could be used to incentivize both
13 Smog Check technicians, station owners, and also motorists,
14 to convince them to change behavior because in a lot of
15 cases, it's not a need for additional training, it's just a
16 behavioral change that they would be required to improve and
17 make significant improvements, I believe, on the Smog Check
18 program. So we had a couple of meetings and we came up with
19 some issues and topics and I provided that to the Committee.
20 For example, on improving Smog Check technician station and
21 performance, we took an approach of both the carrot and the
22 stick, if you will, management information system based on
23 VID data and available technicians and station owners on the
24 internet that would help them to just look and see how they
25 compared to their competition, ranking station and

1 technician regarding emission reduction performance on
2 repairs. This is done by other states; Colorado is one that
3 has a comparison for the consumer to pick up and say, well,
4 how does this station compare to mine.

5 CHAIR LAMARE: How do they do that?

6 MR. CARLISLE: It's easier, admittedly, for them because they
7 have a centralized program. So if you have a vehicle that
8 goes in for a test at the centralized point, goes out and
9 gets a repair as a result of a fail, then comes back, if it
10 comes back and passes the first time, they're 100 percent.
11 If it comes back two times, they're only at 50 percent. And
12 they just take the number of vehicles and the number of
13 times it takes to come back and they come up with a
14 percentage. And they publish that quarterly for consumers.
15 Other things we had discussed would be certificates of
16 appreciation or plaques annually for high-performing
17 stations. We talked about an employment contract that
18 requires specified performance. An MSA, Mutual Settlement
19 Agreement, for technicians and stations. In fact, on the
20 MSA, Randy Ward provided, for example, factors of
21 aggravation and factors of mitigation and a spreadsheet
22 where it would basically simplify BAR's enforcement action
23 because they could quantify how severe the violation was.
24 And I would invite Randy, if you wanted to comment on this,
25 you're certainly welcome, but it was just another

1 methodology. We also talked about incentives for change of
2 motorist behavior. Additional information on the VIR. The
3 printout could include information such as emissions point
4 times the dollars to be saved, maybe graduated registration
5 fees -

6 CHAIR LAMARE: Could you elaborate a little bit about that?

7 MR. CARLISLE: Well, we talked about a couple of things. One is
8 a higher fee for older model year vehicles and, of course, a
9 graduated registration fee if you have a dirty vehicle. So
10 there's a couple of ways to go, but we just talked about
11 them topically, not in detail. Also, we discussed criminal
12 prosecution for motorists seeking a clean pipe because any
13 time a vehicle is clean-piped, there's two parties to that
14 activity. There's the technician, obviously, and sometimes,
15 by the way, the station owner is oblivious, but there is
16 certainly the technician and there's also the consumer.
17 Also looking at performance measures, we discussed what
18 could be measured and this - there's still - this is still
19 under discussion. There's going to be arguments either way.
20 But visual failure rates, functional failure rates by model
21 year, visual failure rates by model year, and failure rates
22 versus expected failure rates by model year. And again,
23 that's not a perfect, if you will, but it's certainly you
24 can measure every station by. BAR has expected failure
25 rates for every year, make and model vehicle, so if you have

1 a station that continually passes a vehicle that has a high
2 failure rate, then there's something wrong with that
3 station. Then also looked at enforcement measures, like a
4 hotline, for example. And I also provided a sample of a
5 hotline that's being used by the Department of Fish and
6 Game. It's actually been in use for 20 years and, what this
7 does, it pays the caller a fee if it results in a successful
8 prosecution of the offender. So what I was going to suggest
9 to the Committee, is we create a task force under the
10 Station Performance committee that would consist of three
11 Committee Members, a BAR rep, an ARB rep, also industry
12 people from both Southern California and up here, maybe a
13 total of 12 members, 12 to 15 members. And my thought was
14 that way we could conduct the meetings - you're never going
15 to find a perfect time, especially when people have to work
16 day in and day out that everybody can be there at one time,
17 but we created a task force with 12 to 15 members, we could
18 meet a couple of times in Northern California, a couple of
19 times in Southern California, and maybe flush out some of
20 these issues to assist the Station Performance committee in
21 a resolution.

22 CHAIR LAMARE: I just have one reservation about your proposal,
23 Rocky, and that is that some of these items I think really
24 belong in the Program Avoidance committee. For example,
25 about the hotline, motorists that solicit clean pipe,

1 motorists who are avoiding complying with the program. I'd
2 like to see those items in the Program Avoidance committee
3 and included in their consideration and have them evaluated
4 along with the other things that are in that Committee,
5 which is basically avoiding compliance. In terms of station
6 and technician performance, that seems appropriate to the
7 Station Performance commit.

8 MR. CARLISLE: Sure, we can break it out.

9 CHAIR LAMARE: It just seems to me that when one of the bedrocks
10 of working on this is getting the data analysis done by
11 Jeffrey and Emily so that we kind of have a better feel for
12 what's the - to what extent can we rank stations on
13 performance in these kinds of failures, expected versus
14 actual failure rates. So I'm kind of reluctant to committee
15 the Committee Members' time. I mean, obviously, I can
16 participate in a task force to meet with people and try to
17 flush out more specifically the ideas that people have for
18 incentives, how they see ranking of stations and technicians
19 on emission reduction performance or repairs. I think that
20 is really pie in the sky at this point. I don't understand
21 why people think that's doable. But I'm willing to have
22 task force meetings and talk about it, but I really don't
23 want to ask Jeffrey to do any more meetings. He's -

24 MR. CARLISLE: No, it wasn't my intent to include Jeffrey on
25 these discussions, to be honest with you, because I know

1 he's inundated at this point. My suggestion was going to be
2 Roger Nickey, Dennis DeCota, and Bruce Hotchkiss because of
3 their experience with the industry.

4 CHAIR LAMARE: And that would include, then, the Program
5 Avoidance committee folks, too.

6 MR. CARLISLE: Yes.

7 CHAIR LAMARE: So that's good. Are they willing to do it?

8 MEMBER NICKEY: How often are we talking about meeting?

9 MR. CARLISLE: Once a month.

10 MEMBER NICKEY: Well, I can do that and I'd like just short
11 comment. It is possible to have a clean-piping episode with
12 the customer not knowing about it.

13 MR. CARLISLE: Well, that's true, but many times - I mean, I've
14 been in this business long enough, I've had enough offers.
15 I could have been a rich man. I'm not.

16 CHAIR LAMARE: Well, I really like this hotline idea, but I'm
17 wondering how that fits in with the Bureau's outreach
18 program and whether they're considering a hotline and maybe
19 that -

20 MR. CARLISLE: That I don't know, that's why -

21 CHAIR LAMARE: - you can raise in a task force context with the
22 Bureau representative -

23 MR. CARLISLE: Right.

24 CHAIR LAMARE: - and get talking about that.

25 MR. CARLISLE: Well, my thought was we could move it out of the

1 Committee. We would notice these meetings, by the way.
2 They would be noticed, a ten-day notice, and they would be
3 held in a public venue so that people could attend and
4 testify, provide comment.

5 CHAIR LAMARE: Graduated registration fees sounds good, but
6 since you're only paying your registration fee once a year,
7 I'm wondering how much of an incentive that would be for
8 anything. However, I understand that some members of the
9 repair industry would like to see like a surcharge on
10 registration fees for older vehicles that are waived if the
11 vehicle is well-maintained and passes Smog Check and isn't
12 sort of a penalty that builds up a fund that can be used to
13 mitigate for those emission reductions.

14 MR. CARLISLE: Or reverse the schedule, new cars pay low fees
15 and old cars pay high fees.

16 CHAIR LAMARE: Further comments on the task force? Do we need a
17 motion or will you just carry that -

18 MR. CARLISLE: Yes, we need a motion for that.

19 CHAIR LAMARE: Yes, indeed. So while you're thinking of who's
20 going to make the motion, we'll have public comment. Randy
21 Ward?

22 MR. WARD: Madam Chair and Members of the Committee, Randy Ward,
23 Executive Officer, California Emissions Testing Industries
24 Associations. I spent - I was in each of the meetings and
25 assisted in some of the preparation, but there was

1 background to much of which I contributed. An industry
2 group had been meeting for some period of time looking at
3 the kinds of things we could do that were performance-
4 incentive related. But the one thing that I think is
5 important to clarify that we kept coming back to was the
6 issue of enforcement. And not enforcement from enforcement
7 sake, how do you avoid enforcement, not from an industry
8 perspective, how do you avoid enforcement being in a
9 position where they do not have the resources to do - be
10 every place, every time they need to be to gain the
11 performance that's necessary? Well, the issue that we all
12 embraced unanimously is that it is too easy to enter the
13 marketplace. It is basically \$200 and be breathing. And so
14 the fear of repercussion, while it's there, it's obviously
15 not significant enough because people are clean-piping,
16 people are doing things that are not consistent with the
17 thrust of the program. So it was our feeling that there
18 needed to be some work on the licensing side. There needed
19 to be something that was far more serious when it came to
20 licensing. I'll just give you one example. Anyone in the
21 industry will tell you that there is a lot of nepotism out
22 there. And by nepotism, I mean the law states very clearly
23 you cannot have a financial interest in a test-and-repair
24 and a test-only if they're within 50 miles of each other.
25 It's a conflict of interest. Well, you have it in your

1 mother's name, your mother-in-law's name, your brother's
2 name, and you're really running both operations. And it's
3 not with ten miles, they're usually right next door to each
4 other. The problem is, how do you prove there's a financial
5 relationship? The BAR is not in a position at the
6 initiation of a license to ask for that kind of financial
7 information. So my thinking is, we ought to be asking the
8 Bureau to talk to us a little bit about enforcement, see
9 what the method to their madness is, and then be asking
10 them, you know, what could the IMRC be recommending to the
11 legislature that would be helpful here that at the beginning
12 of the program, you could solve a lot of the problems.
13 Because once they get licensed, then you're going through
14 all the administrative and legal processes that I think
15 we're all familiar with that are going to take time and it's
16 going to be hit and miss. It's not going to be 100 percent
17 effective. So within the context of what Rocky is talking
18 about, I think it would be very worthwhile for the Committee
19 to devote some time and attention to that which I just said,
20 which is have enforcement come in, talk a little bit about
21 what they do, what they can't do, where their holes are, and
22 how can you help them, and what would be helpful. Because I
23 think everyone is going to gain some insight after having
24 heard that in some things that may be antiquated in the
25 statute. Processes that just may not be working well

1 anymore that ought to be revisited. And Mr. Hotchkiss -

2 CHAIR LAMARE: Thank you, Randy.

3 MR. WARD: - I'm sure you're in - you have some solid comments
4 on that kind of issue as well.

5 CHAIR LAMARE: Yes, absolutely. Thank you.

6 MR. WARD: Thank you.

7 CHAIR LAMARE: Also, it seems like this topic fits in the Future
8 of Smog Check in the sense of is the framework that we're
9 working in going to shift in the future and so we can work
10 on those issues, both from the point of view of incentives
11 and performance, but also, where are we going, where's this
12 going to end up. Len Trimlett?

13 MR. TRIMLETT: Len Trimlett, Smog RFG. Who is on the Program
14 Avoidance committee?

15 CHAIR LAMARE: Rocky?

16 MR. CARLISLE: That's Bruce Hotchkiss and Roger Nickey.

17 MR. TRIMLETT: Okay. It came to my attention yesterday that if
18 I'm a smog test-and-repair station and an owner of a vehicle
19 comes to me and says I want a Smog Check, but the owner has
20 on the registration test-only, the owner - the smog tech can
21 say you need a test at a smog - a test-only station, but I
22 cannot tell you who can help you out because that would be
23 considered subletting and illegal. You talk about program
24 avoidance, this is a very hostile consumer act, the fact
25 that they can't tell the person - the tech can't tell the

1 person where to get the Smog Check, where a test-only is
2 available. What I'm suggesting is that this needs some
3 clarification and needs to get out to the techs.

4 MR. CARLISLE: Madam Chair, the only one that cannot refer a
5 consumer is test-only. Test-and-repair can tell them
6 anywhere they want to go.

7 MR. TRIMLETT: Test-and-repair can tell them that they go -

8 MR. CARLISLE: Yes, test-and-repair and Gold Shield both. The
9 only one that cannot, that's prohibited by law, is a test-
10 only station and they have to refer them to a list. BAR
11 used to provide a list, I don't know if they still do, but
12 they certainly have a BAR website that will provide a
13 station locator.

14 MR. TRIMLETT: Going the other way from test-and-repair.

15 MR. CARLISLE: Yes, if it's a test-only, the concern was that
16 there would be a relationship developed between a test-only
17 and a test-and-repair where a test-only - or a test-and-
18 repair station could kick back some of the repair money if
19 test-only referred them a lot of cars.

20 MR. TRIMLETT: Okay.

21 CHAIR LAMARE: I think this is a different issue. Let's hear
22 from Bruce and then Roger.

23 MR. TRIMLETT: So test-and-repair can refer them and say, here's
24 some example, test-only's?

25 MR. CARLISLE: Yes, 44010.5 of the Health and Safety Code.

1 MR. TRIMLETT: Pardon me?

2 MR. CARLISLE: It's 44010.5.

3 MR. TRIMLETT: Thank you.

4 MEMBER HOTCHKISS: Len? There's a big difference between
5 referring someone and subletting, too. I mean, subletting
6 is - the customer gives me the money and I take it to
7 someone else to have the work done. Referring is, gee, who
8 do you think would do a good job on my roof? Joe's Roofing
9 would be fine.

10 MR. TRIMLETT: Right.

11 MEMBER HOTCHKISS: So this shop owner is pretty confused, I
12 would say.

13 MR. TRIMLETT: This is pretty much the way I understood it that
14 subletting meant that I'm letting it out on a subcontract.

15 MEMBER HOTCHKISS: Right, but if you're just referring somebody,
16 that's not a subcontract.

17 MR. TRIMLETT: But if I'm referring somebody from one station to
18 test-only, that's not subletting?

19 MEMBER HOTCHKISS: Right. That's like referring somebody to a
20 transmission shop.

21 MR. TRIMLETT: That's fine. If -

22 MEMBER HOTCHKISS: As Rocky said, the only problem is the
23 reverse when you - if you're a test-only, you're not
24 supposed to be directing people towards a specific test-and-
25 repair.

1 MR. TRIMLETT: That's fine. Is there a list that the tech can
2 give the person of test-only stations in the area?

3 MEMBER HOTCHKISS: That's available off the BAR's website.

4 MR. TRIMLETT: Off the BAR website.

5 MEMBER HOTCHKISS: Yes.

6 MR. TRIMLETT: All right. Thank you.

7 CHAIR LAMARE: Any other comments? Mr. Nickey?

8 MEMBER NICKEY: Yes, you can go to Station Locator on the
9 Bureau's website, put in the Zip Code that you're interested
10 in and the kind of station. You can put in test-only, all
11 the test-only's in that Zip Code will come up. Print it out
12 and make as many copies as you want. That's what we do at
13 test-only. I put - I have all the test-and-repairs in my
14 Zip Code and people are always asking, where am I going to
15 get it fixed, where would you take your car, etcetera,
16 etcetera. I just give them a list. There's like 10 or 12
17 on there. I see these are all the ones in the Folsom Zip
18 Code and if you Sacramento County, I'll be happy to give you
19 that one, too, except that it's about eight pages long.

20 MR. TRIMLETT: Thank you, that's very helpful information. I
21 know where to go and what to tell them now.

22 MEMBER NICKEY: It's really easy. The Station Locator is the
23 best place to go. Just put in the Zip Code and the kind of
24 station and it will all come up.

25 MR. TRIMLETT: Thank you.

1 MEMBER NICKEY: You're welcome.

2 CHAIR LAMARE: Now, we have a discussion paper in our packet on
3 IRP and other DMV issues related to program compliance.
4 This is a working document of the Program Avoidance
5 committee. This is a staff-prepared document for the
6 committee.

7 MR. CARLISLE: Steve Gould prepared that, but if I may back up,
8 you were going to take a motion on the task force, creation
9 of the task force.

10 MEMBER HISSERICH: I'll make a motion to create the task force
11 as described previously.

12 CHAIR LAMARE: Moved by John Hisserich. Seconded by Bruce
13 Hotchkiss to create a task force according to staff
14 recommendation to work on program incentives and meeting not
15 more than once a month.

16 MR. CARLISLE: Correct, with -

17 CHAIR LAMARE: All those in -

18 MR. CARLISLE: - with the three Members we discussed.

19 CHAIR LAMARE: With the three Members we discussed.

20 MR. CARLISLE: Roger Nickey, Dennis DeCota, and Bruce Hotchkiss.

21 CHAIR LAMARE: Any further discussion?

22 MALE: (inaudible - mic not on)

23 CHAIR LAMARE: But I have his proxy - or what is it called?

24 MEMBER WILLIAMS: But he will be next time because otherwise he
25 gets volunteered for the committee created then, right?

1 CHAIR LAMARE: He's okay with being on the Program Avoidance
2 committee. All those in favor, say aye.

3 ALL MEMBERS: Aye.

4 CHAIR LAMARE: All those opposed? Any abstentions? Okay. So
5 we have a task force on Program Incentives. Mr. Solorzano?

6 MEMBER SOLORZANO: Before moving forward, I'd like to concur
7 with the comments made during - by Randy - I'm sorry, I
8 don't know your last name there.

9 CHAIR LAMARE: Ward.

10 MEMBER SOLORZANO: Ward. But is that possible or maybe that may
11 not be an interest to the Committee, I would like to have a
12 presentation on enforcement.

13 CHAIR LAMARE: Indeed.

14 MR. CARLISLE: Yes, I can arrange that.

15 MEMBER SOLORZANO: Thank you.

16 CHAIR LAMARE: Thank you. So Mr. Executive Director, where are
17 we now?

18 MR. CARLISLE: Now we're at the point of the discussion paper
19 with regard to IRP and other DMV issues. And is Steve still
20 here? Steve had to leave, I guess.

21 CHAIR LAMARE: He's here.

22 MR. CARLISLE: Oh, no, he's hiding.

23 MR. GOULD: Yes, I don't - I don't seem to have a copy of the
24 paper right here. Why am I the lucky one whose packet
25 didn't include it? The Committee had talked about going

1 forward from last year to do more research on the
2 International Registration Plan and my thought on that was
3 that we would need the very full cooperation of the
4 Department of Motor Vehicles to do that. As you probably
5 know, the IRP involves 50 states and eight provinces and to
6 negotiate any changes in the IRP would take the long and
7 continued leadership of DMV, so I thought that we would
8 start out with some discussions with DMV to get some idea on
9 how they stand on these issues. And to get some more
10 information, Rocky has already sent for some data on IRP
11 which he's going to try to unlock. I don't know whether
12 he's been successful in the last couple of days. But we
13 wanted to initiate discussions with DMV on this subject.
14 And then while we were going to do that, we thought of a
15 couple of other related things, which had to do with the
16 vehicles registered outside the biennial area and we've
17 heard that some fleets may be trying to register outside of
18 the biennial area in order to avoid Smog Check, so we
19 thought we would raise this question with DMV also.
20 Certainly, that's the case in Arizona where the U-Haul fleet
21 is famously registered outside of their Smog Check area and
22 so it would take some work, actually by DMV and by ARB, to
23 talk to Arizona and other states about how you could get
24 away from that kind of a situation where programs are being
25 avoided by just where the fleets are registered. It's

1 possible that one of the things that the Committee could do
2 is make a recommendation that we include all fleets in
3 California in the biennial program, even if they're in
4 Calaveras County. That's certainly - I'm not advocating
5 that, but that's a possible outcome and, in that respect,
6 we'd be leading other states and encouraging other states to
7 do the same thing, hopefully Arizona. The third and again
8 related issue on program avoidance was the famous DMV
9 override key and that's been a subject of discussion and
10 head-scratching for about 10 or 15 years. Do you all know
11 what I'm talking about? Where somebody comes in to DMV and
12 gives a statement of facts and says, gee, the car isn't in
13 California, I can't get it Smog Checked. Okay, boom, they
14 press the key, there's an override on the smog requirement
15 and you can just register the car for another year. I
16 remember seven or eight years ago, we went through that when
17 I was at BAR. We did have a few offices in California, DMV
18 offices, where we suspected something might be going on, but
19 I think after I retired, it was looked into and I think the
20 situation was satisfactory to the extent that BAR didn't
21 want to pursue it anymore. But I guess it's come up again.
22 I think one of the Committee Members said it may be a
23 problem in the Bay Area, so we thought we might want to look
24 at that. And again, a particular thing that the Committee
25 want to do is to adopt - did you put it in here - to adopt a

1 form - yes, you did - to adopt a form like the state of
2 Washington has where instead of having just an override key,
3 the motorist who is in another state would have to get it
4 notarized that the vehicle is there in another state. And
5 that's again something that might make a reasonable
6 recommendation, but all of this would be part of a general
7 discussion and it would start with DMV and really ask their
8 help. And the particular reason why we wanted to bring this
9 to the entire Committee is that the IMRC doesn't have a
10 whole lot of influence in Alberta or in Saskatchewan, but
11 DMV does and so we think before we approach DMV, we want to
12 be very sure that it's the intention of the Committee to ask
13 for their help. We also wanted you to approve the project.

14 MR. CARLISLE: One thing I might add, Madam Chair, is the fact
15 that right now there's approximately 1.7 million vehicles
16 registered under the IRP and these are what we would
17 consider natively registered in the State of California, but
18 pay a portion of taxes in other states, but only about ten
19 percent of those are gasoline powered, so that gives us
20 170,000 vehicles, and while in and of itself that may not
21 sound like a lot, depending on how emissions they put out,
22 it could be a significant number. But more importantly,
23 given the new SIP issues that of including diesels in the
24 program, now we're cutting into a significant number of
25 those 1.7 million vehicles if they're light, medium, heavy

1 duty or light- to medium-duty diesels. And so that could
2 increase that 170,000 number to be a significant number. I
3 might also add that it's DMV policy right now that even if
4 they are natively registered in the State of California
5 under IRP and they're gasoline-powered light-duty vehicles,
6 or medium-duty regardless of the weight, they don't require
7 a Smog Check inspection regardless of where they're plated,
8 whether it be Sacramento, whether it be in Redding or
9 anywhere. That's a policy set forth by DMV.

10 CHAIR LAMARE: Dr. Hisserich?

11 MEMBER HISSERICH: Steve, to make some of these changes, how
12 many of these could be sort of regulatory changes or within
13 the agencies and how much would require legislative change,
14 do you think?

15 MR. GOULD: Probably to get -

16 MEMBER HISSERICH: For example, to adopt the -

17 MR. GOULD: Probably it depends on what the change is, but -

18 MEMBER HISSERICH: Well, for example, to do the forms out of
19 state requiring notarization that the vehicle's in fact out
20 there. Do you think that could be done with an agency or do
21 you think -

22 MR. GOULD: My guess is not. I'm not aware -

23 MEMBER HISSERICH: I think a lot of this might require
24 legislative action.

25 MR. GOULD: I think it might require legislative action. In

1 some cases, it may require a resolution rather than a law,
2 because we don't legislate for 49 other states and so it
3 would be up to, I guess, DMV as our representative in the
4 IRP to negotiate some kind of -

5 MEMBER HISSERICH: Well, yes - well, if in fact this program
6 specifies going in that they're supposed to comply with the
7 regulations within each State, I mean, you say that's at the
8 outset that that's what it's supposed to do, then it seems
9 to me that how that gets manifested in this particular state
10 is something that we control. And so I guess as I'm -
11 because think some of this is important stuff. I mean, even
12 though you say it's 170,000, that's still a lot and think
13 there are willful attempts at avoidance through some of this
14 so that it sort of goes to the heart of the program. I
15 mean, in terms of if people game it, then the gaming it
16 becomes part of the gestalt, if you will, with what does on.
17 So I think this is the kind of the thing that as we move
18 forward, if this can be accomplished in conversations with
19 DMV and so on and executive orders or whatever within some
20 agency, that's fine, but it may require that we take a look
21 at a legislative package. I could see a bill that would
22 probably roll most of this into one piece and move forward.

23 MR. GOULD: I assume that if you were going to require all
24 fleets in California, for example, to have a biennial smog,
25 that would require legislation. So there are parts of it.

1 I'm just not going to presume what we'll find once we start
2 talking to DMV, because some of the possible remedies would
3 be very difficult and very complicated. I mean, I thought
4 about it at one time, well, what are you going to do? Have
5 a smog station at the state border and anybody who hasn't
6 passed an appropriate smog you just stop them and smog them
7 and turn them back?

8 MEMBER HISSERICH: Only if they're carrying fruit from the wrong
9 state.

10 CHAIR LAMARE: Mr. Nickey?

11 MEMBER NICKEY: Well, when we run into this and we run into the
12 reverse and it's mostly military and I would be interested
13 to know out of the 170,000 how many are military. But for
14 instance, if your home is in Georgia and you're stationed
15 here, you can keep your Georgia license. But we get
16 requests all the time, people come in with out-of-state
17 plates that are in the military and to complete their
18 registration, they're required to furnish a Smog Check in
19 California. Now why couldn't we do just the reverse? Okay,
20 your vehicle's in Georgia, it's California registered, it's
21 not here, go get a Smog Check in Georgia and send us the
22 results.

23 MR. CARLISLE: None of the military vehicles fall under the IRP.

24 MEMBER NICKEY: I don't understand what you mean by IRP.

25 MR. CARLISLE: International Registration Plan. For example,

1 let's take for example, U-Haul. U-Haul has vehicles
2 transiting many states and rather than have to get a
3 complete in every state, what they do is they pay that
4 percentage of fees relative to the mileage they travel in
5 that state.

6 MEMBER NICKY: That's a prorated. That's what we used to call
7 prorated.

8 MR. CARLISLE: Exactly.

9 MEMBER NICKY: But the - it still remains, you can have a
10 California vehicle in another state. You're registration
11 comes up and says Smog Check due -

12 MR. CARLISLE: Right.

13 MEMBER NICKY: - instead of going down and saying, give me a
14 waiver, then DMV should say, well, if it's in Georgia, then
15 let's have a Georgia Smog Check and send us the results.
16 That way, at least you know the vehicle's in Georgia and at
17 least it passed their Smog Check.

18 MR. CARLISLE: Right.

19 MR. GOULD: That's a possible solution and I think I touch on it
20 in this paper. But again, it would have to be some kind of
21 a reciprocal - it would have to be some mechanism for doing
22 this. For example, I think I'm correct that not all of
23 Georgia is in their smog zone - is in a Smog Check program.
24 I know that's true in most states, that they cover only a
25 portion of the state. So you'd have to have DMV have the

1 capability of figuring out, well, this car is in a suburb of
2 Atlanta and that's part of their Smog Check program and
3 therefore we can require that, you know, that they go get a
4 smog in Georgia. So it gets a little complicated and it
5 gets a little costly and that's why I'm not willing to
6 presume what the recommendations are going to be.

7 CHAIR LAMARE: Dr. Williams?

8 MEMBER WILLIAMS: You're mostly wanting our reaction to whether
9 you should make trouble with DMV by asking questions.

10 MR. GOULD: Yes, sir.

11 MR. CARLISLE: Correct.

12 MEMBER WILLIAMS: So to address that issue specifically, I
13 certainly think we should be allowed to ask them without
14 being slapped back whether they - how many times DMV uses
15 the override key and things like that. That they ought to
16 be able to tell us. I can understand why they don't want to
17 be - a request for how many plates from Alberta are in the -
18 and visa versa, they might not like that, but I think in
19 general they ought be able to answer these questions and be
20 presumed to. This is an important State program, too.

21 MR. GOULD: I think so. My experience with DMV is that they're
22 always very busy and they are the Department - and I say
23 this respectfully, the Department of Can't Do, and so I want
24 to - I think it's particularly important that the Committee
25 be onboard and we be able to tell them this is what the

1 Committee is really interesting in doing.

2 MEMBER WILLIAMS: I'm really interested in that override key and
3 I think they could answer that question without too much
4 trouble.

5 CHAIR LAMARE: Other comments? I guess I'm of the opinion that
6 this is a Committee matter and that the Committee Members
7 should give guidance to staff on what the priorities are -
8 aside - Jeffrey has already stated that the override key is
9 his priority and I agree with that, but I understand what
10 you're saying about approaching DMV. It's really a
11 difficult thing to do. What comes to mind also is that the
12 Air Resources Board is having to look at a broad scope on
13 out-of-state heavy-duty vehicles. They have parallel issues
14 with heavy duty vehicles and they're engaged now in private
15 fleet rule development on which they intend to impose
16 regulations on all vehicles operating in the state, not
17 simply those that are registered in the state. So I think
18 it would important for the Committee to include James
19 Goldstene in your discussions about how to approach DMV and
20 what to request from DMV in terms of the licensed - the
21 fleet of vehicles that have IRP plates because they may have
22 some parallel effort going on with heavy duty. This is an
23 area where we really don't want to be tripping over each
24 other.

25 MR. CARLISLE: Well, if we - as long as we - if we're requesting

1 data or information, sometimes there's a difficulty getting
2 that duplicate information. We'd still have to get it
3 direct from DMV, we could not get it from ARB. We ran into
4 that -

5 CHAIR LAMARE: Understood.

6 MR. CARLISLE: - with the IRP issue.

7 CHAIR LAMARE: I just - I think that if we're going to be
8 contacting another state agency about vehicles that are
9 plated to operate in different states and some of those
10 vehicles are heavy duty and some are light duty and we're
11 only looking at the light duty, ARB may be looking at the
12 heavy duty, that we should at least touch base with James on
13 what you're about on this.

14 MR. GOULD: I think that's an excellent idea. And from another
15 standpoint that once we get to a point where we're saying we
16 would like other states to cooperate with us and do their
17 share, we're really into a long-term negotiation. This
18 could be a five-year project. Not there aren't some things
19 that could be done with recommendations this year, but it
20 could be a very long-term project and I think ARB is better
21 suited to carry out such a project.

22 CHAIR LAMARE: And we may want to, in this case, talk with our
23 contact at U.S. EPA, let her know that we're looking at
24 this, that we're concerned about it and we want their
25 support and their help to the extent that they have anything

1 to offer. Any other comments or questions from the
2 Committee about the IRP and other DMV-related issues? James
3 Goldstene? Thank you, Steve, good report.

4 MR. GOLDSTENE: We'd be glad to help -

5 CHAIR LAMARE: Thank you.

6 MR. GOLDSTENE: - and facilitate the flow of information. As
7 Rocky mentioned, it does require some patience and there are
8 some restrictions on how the private individual data that's
9 held by DMV can be shared, even with other government
10 agencies, so we have to work on that, but we'll work jointly
11 on that so we don't step on each others' toes or feet.

12 CHAIR LAMARE: Thank you.

13 MR. GOLDSTENE: You're welcome.

14 CHAIR LAMARE: Public comment? Mr. Peters?

15 MR. PETERS: Madam Chairwoman and Committee, I shouldn't be
16 standing here, I should be sitting down there keeping my
17 mouth shut, but I'm here anyway.

18 CHAIR LAMARE: Address the issue, Mr. Peters.

19 MR. PETERS: Well, if you want to get a smog on a car and you
20 just go in and say, oh, my car's in Arizona, Alabama, she
21 pushes a button and it's done, what incentive does she have
22 to not do that? What incentives do I have to not do that?
23 It works pretty slick and it works, but what happens if she
24 pulls out this little form from underneath the counter that
25 says Statement of Facts, signed under penalty of perjury?

1 Is there anybody on the Committee who would sign under
2 penalty of perjury that their car was in Alabama when it was
3 in California? I don't think so. And I think you would
4 significantly change the outcome if you sent everybody who
5 drives the state of California regularly, like U-Haul,
6 everybody in California that has a California plate, falls
7 within the years of jurisdiction of Smog Check and enhanced
8 Smog Check requirement, and incorporate it right in the form
9 that goes to the customer, a Statement of Facts that they
10 can sign under penalty of perjury, no, this vehicle is in
11 Eureka and it's addressed in Eureka and he signs it under
12 penalty of perjury. But now you have a document that
13 somebody could go back and follow-up on and now you have a
14 criminal action. And the majority of the population isn't
15 going to do criminal activities if they think they might get
16 caught. So just how that's handled might make a very
17 significant difference in what percentage of this is able to
18 be fixed in a short timeframe. I think if you started
19 sending U-Haul notices that they needed to have their cars
20 smogged, they'd probably start doing it. But that's pretty
21 radical example, but when you get the guy with the button,
22 he's just going in there and getting away with something.
23 If he's got to sign something, you've got a policy that he
24 has to sign something under penalty of perjury to get away
25 from doing a California Smog Check, that might help a lot.

1 Because you'd have a permanent document now that could
2 result in criminal action in the court. Thanks.

3 CHAIR LAMARE: Thank you. Bruce?

4 MEMBER HOTCHKISS: I won't disagree one way or the other for the
5 corporations because I really doubt that too many
6 corporations are going to sign something under penalty of
7 perjury knowing that they're perjuring themselves.
8 Unfortunately, it seems that there are a fair number of
9 individuals who it doesn't bother at all, because I have
10 been told that this is now one of the favored ways to
11 register illegally modified vehicles, is simply go in and
12 say, it's out of state, and sign it under penalty of
13 perjury. They sign the Statement of Facts. And I think
14 they do it partly because they know that no one really has
15 the resources to chase everyone and that it's like trying to
16 get the District Attorney or somebody to go after clean-
17 pipers or a consumer - there is too much other crime out
18 there. DMV investigators - and I know my Union represents
19 them, so they are busy working on I.D. theft, fake driver's
20 licenses, and it's like every other enforcement agency out
21 there. They're stretched. So you obviously have to choose
22 the crimes you're going to go after and having a car and
23 lying about where it's actually house is not a primary
24 concern for too many enforcement agencies. And I think that
25 maybe if we raised this issue, along with the other issues

1 with DMV, they might create some in-house policies about
2 accepting a Statement of Fact without some kind of a
3 notarized statement from another state saying it is there.
4 Like I say, I'm not going to - I don't know enough about the
5 commercial aspect, but I think the private owners, you've
6 got a lot of people that it doesn't bother them to lie under
7 penalty of perjury.

8 CHAIR LAMARE: Thank you. Okay, is that it for committee
9 reports then? Anything else, Rocky?

10 MR. CARLISLE: Yes, I just want to confirm then that the
11 Committee does in fact want me to contact the DMV and start
12 this discussion.

13 CHAIR LAMARE: Bruce, do you agree?

14 MEMBER HOTCHKISS: Yes.

15 CHAIR LAMARE: John?

16 MEMBER HISSERICH: Yes.

17 CHAIR LAMARE: Yes, okay. Everyone agrees that moving
18 diplomatically to talk with DMV, especially about the
19 override key.

20 --oOo--

21 CHAIR LAMARE: Next item, legislation - or is your -

22 MR. CARLISLE: No, it's legislation, I think.

23 CHAIR LAMARE: Executive Officer's Activity Report.

24 MR. CARLISLE: That report consists of putting all this
25 information together. Typically, what you see in this book

1 has taken a good portion of the month. However, I will tell
2 you that next month, I will be going to - I'm sorry, in June
3 I will be going to the I/M Solutions in Portland. I've also
4 put in a request to change one out-of-state trip we had
5 authorized for Eldon and I to go to Colorado and Arizona to
6 look at the centralized programs and that should be approved
7 within about two weeks. I should also mention that I've
8 contacted a Mr. Bismarck Obando (phonetic) at the Governor's
9 office on probably three different occasions and discussed
10 the need for new appointees to the Committee and he assured
11 me he is working on it. He did say that speaking of Dr.
12 Williams, that he needed to call you in for an interview,
13 and so hopefully you're willing to go in for that interview.
14 And that pretty much concludes my report.

15 CHAIR LAMARE: Thank you. Now last month we talked about should
16 we skip a month, should we focus your activity on supporting
17 the committees.

18 MR. CARLISLE: I think that would be important, but given the
19 fact that ARB has committed to an RSD report next month,
20 maybe we want to consider skipping the June meeting as
21 opposed to the - oh, no, we can't skip the June meeting
22 either because we've got -

23 CHAIR LAMARE: We're not going to skip the June meeting, but we
24 might skip the July meeting -

25 MR. CARLISLE: Yes, maybe the July meeting.

1 CHAIR LAMARE: - to work on our individual reports.

2 MR. CARLISLE: Right, I think that would be wise.

3 CHAIR LAMARE: Jeffrey, I believe may be able to make some
4 report at our May meeting. He's nodding his head yes.

5 MEMBER WILLIAMS: Deadlines never hurt.

6 CHAIR LAMARE: We've heard a number of things today that we need
7 to follow-up on -

8 MR. CARLISLE: Yes, so I think it would be important to meet
9 again in May.

10 CHAIR LAMARE: - not the least of which is asking BAR for when
11 they're going to be ready.

12 MEMBER HISSERICH: Yes, I will be away in May.

13 CHAIR LAMARE: John will not be here. So if we do not have a
14 quorum, should we still meet because we will meet as a
15 Committee of the whole to receive information? Or should we
16 delay?

17 MR. CARLISLE: Well, what I've been doing is - especially since
18 we're getting so short, Mr. Arney hasn't been here for eight
19 months that I'm aware of; as a result, I've been polling the
20 Committee Members just before the meeting to see if it would
21 be necessary to cancel the meeting due to the lack of a
22 quorum, however, I think given the fact that we would be
23 getting a couple of presentations, it would be worthwhile,
24 while we couldn't make - transact any business as far as
25 making any decision, I think it would be worthwhile to get

1 that information.

2 CHAIR LAMARE: Okay. So we'll see how it plays out and try to
3 have a meeting next month. We may have some new Committee
4 Members anyway. If we do have any, we sure want to meet.
5 And I think it's been remarkable how we've kept a quorum at
6 this Committee Meeting quite regularly compared to the past
7 performance of this -

8 MR. CARLISLE: I don't we believe we've had to cancel a meeting
9 due to lack of a quorum in over three years.

10 CHAIR LAMARE: Compared to the past performance of this
11 Committee, we're doing really well. Skip?

12 MEMBER SOLORZANO: Yes, Madam Chair, what date would be the May
13 meeting? So it would be the 22nd? Okay, good.

14 CHAIR LAMARE: May 22nd.

15 MR. CARLISLE: Yes.

16 MEMBER SOLORZANO: Very good.

17 MR. CARLISLE: Because the following weekend is a holiday.

18 CHAIR LAMARE: Okay, ready for our legislative report? Do we
19 have to take public testimony on the Executive Director's
20 report? Is there any?

21 MR. CARLISLE: Technically, yes.

22 CHAIR LAMARE: Any comments, questions? Thank you.

23 --oOo--

24 CHAIR LAMARE: All right. Now let's move onto the legislative
25 report. We have - in our packets, we have a legislative

1 tracking document. In addition, I had passed out a personal
2 letter that I wrote to Assemblymember Jones about AB616.
3 This is not Committee business and the purpose of this
4 letter was to inform him of data from the Clean Air
5 Partnership, Sacramento Metropolitan Air Quality Management
6 District, Sacramento Region Public Opinion Survey of 2005,
7 which identified residents who - this was a 1,264-person
8 survey, and it identified residents who owned a 1990 or
9 earlier model-year vehicle, it identified their income
10 levels of their household as self-reported, and also their
11 use of 15-year and older vehicles for commuting to work and
12 the findings of this data are that there was no
13 statistically significant relationship between the ownership
14 or the commuting behavior in 15-year and older vehicles by
15 income group. So while there were some differences, they
16 were not statistically significant and then every income
17 group owns vehicles, uses vehicles in this category, so that
18 is intended to just add to the dialogue about the impacts of
19 annual Smog Check on different income groups. Rocky?

20 MR. CARLISLE: Okay, looking at the spreadsheet, AB99 by Feuer,
21 it's an alternative fuels bill, but it does have an impact
22 on vehicle pollution, so I did list it here. Essentially,
23 that is a bill that would declare the intent of the
24 legislature and ensure that by 2012, 50 percent of all new
25 vehicles made for sale in California have some type of

1 alternative fuel. And it's been amended slightly to make
2 the language a little friendlier, but no significant
3 amendments.

4 MEMBER HISSERICH: I happen to - transportation committee - it
5 was a pretty heated debate. I believe it did get out of
6 committee, but not unanimously, so -

7 MR. CARLISLE: I'll bet not.

8 MEMBER HISSERICH: - just to let you know an update. And
9 there's a lot of discussion in that context about hybrids
10 and all of that sort of stuff.

11 MR. CARLISLE: Yes, they did include the hybrids in that bill.
12 AB218 by Saldana, that's the late Smog Check fees that we
13 recommended to the legislature last year. That is out of
14 the Assembly and it's on to the Senate Rules Committee and
15 so far no amendments.

16 MEMBER WILLIAMS: Do you know what the vote was in the Assembly?

17 MR. CARLISLE: I believe it was 8-4. I think that one was kind
18 of along party lines, as I recall. Is that the one -

19 CHAIR LAMARE: About 99 percent of the bills are along party
20 lines.

21 MR. CARLISLE: Yes, but -

22 CHAIR LAMARE: If you don't have any information - it's like
23 identifying hawks, 80 percent of the time it's a red tail.

24 MR. CARLISLE: Yes.

25 CHAIR LAMARE: You can't get too far a field by -

1 MR. CARLISLE: It was 8-4.

2 CHAIR LAMARE: - expecting it to be a partisan vote.

3 MR. CARLISLE: AB255, it's seeking to increase the Smog Check
4 abatement fee. That one's been referred to the Committee on
5 Appropriations. But AB616, that's Assemblyman Jones, that's
6 the annual Smog Check bill - I'm sorry, that was the one
7 that got out of Committee 8-4 and is on to Appropriations.
8 That's had some significant amendments to it. It would
9 exclude vehicles - CAP eligibility for vehicles directed to
10 test-only and it would also increase the low-income
11 qualification threshold to 300 percent from its current 200
12 percent. The other thing it would do would be authorize BAR
13 to pay for complete repairs. In other words, make the
14 vehicle owner whole for that vehicle for any emissions-
15 related failure and I understand that BAR has some
16 discussions going on with Assemblyman Jones' office with
17 regard to that specific issue, because that's kind of an
18 open-ended repair. So that does -

19 CHAIR LAMARE: At present, it's 225 percent?

20 MR. CARLISLE: At present - yes, you're right. They previously
21 had it listed as 200, but I think that was a typo. But it
22 would go to 300 percent, so it would increase the
23 eligibility for low income and it would exclude it for
24 simply being directed to test-only.

25 CHAIR LAMARE: I think John's question there is what is the

1 additional exposure of the State? How many more - how many
2 vehicle owners today are estimated to be eligible and how
3 many more would be eligible under this definition and can -
4 I'm not asking you to answer that, Rocky, but -

5 MR. CARLISLE: Right, I know. I was just thinking about it,
6 though. If you look at the number of directed vehicles,
7 that's 36 percent of the fleet. That's a huge eligibility
8 right now.

9 CHAIR LAMARE: The net effect of the bill would be to reduce the
10 State's -

11 MR. CARLISLE: Right, so that would reduce it and increase it on
12 the low income side. And then SB23, that bill is the
13 Cogdill bill for the replacing vehicles in the San Joaquin
14 Air Pollution Control District. One recent amendment is to
15 eliminate HEPRA as a funding source, which is a positive
16 move, I think. And as far as the status of that one, it has
17 been referred to the Committee on Environmental Quality.
18 And then there's one other bill that cropped up. Tom
19 Addison brought it to my attention from the Bay Area AQMD.
20 And this is - if you'll recall a couple of years ago, Robert
21 Morgester from the Attorney General's office made a
22 presentation to the Committee with regard to hotrods and the
23 fact that many of these vehicles were brought into the
24 State, they were registered as 1942 Ford or whatever it may
25 be, worth maybe \$1,000, when in fact some of these vehicles

1 were worth \$10, \$20, \$30,000 and so he's actually suggesting
2 - he's actually gone after a number of these people in the
3 Attorney General's office, but he's suggesting an amnesty
4 and so Assemblyman Emmerson has created a bill, AB619, and
5 it would offer that amnesty. Now, the question is, are
6 there any emissions benefits and I really don't know the
7 answer to that question. I am going to have a conversation
8 with Tom Addison this afternoon with regard to this bill
9 because he believes there are and the Attorney General
10 Morgester, Deputy Attorney General Morgester doesn't believe
11 there are.

12 CHAIR LAMARE: I think that Mr. Addison's fear is that there are
13 air quality dis-benefits to the bill and I believe he would
14 like us to look at it in terms of -

15 MR. CARLISLE: Right.

16 CHAIR LAMARE: - are there air quality penalties from this bill.

17 MEMBER HISSERICH: I'm pretty sure that one was in Committee
18 yesterday, too, because I remember seeing some discussion
19 about it. I can't remember because I was watching both
20 Transportation and Natural Resources, kind of going back and
21 forth. I think it was in Transportation because I know this
22 number and Emmerson came up. I only got fragments of it,
23 but I just - there was a discussion and quite a bit going
24 on.

25 CHAIR LAMARE: It's probably too early for the results to be

1 posted on the web, do you think? Otherwise, couldn't we go
2 directly to leginfo.ca.gov and to the bill track and see if
3 - what the vote was on this and the Saldana bill? My guess
4 is they haven't posted yet, but couldn't we call that up in
5 our Committee, do you think, Rocky?

6 MR. CARLISLE: Yes.

7 CHAIR LAMARE: Oh, great.

8 MR. CARLISLE: Let me just check real quick because I've got it
9 here.

10 CHAIR LAMARE: Well, I think it would be helpful if Mr. Addison
11 would provide us with a written analysis of the bill and why
12 he thinks it's a problem.

13 MR. CARLISLE: No, it's not posted.

14 CHAIR LAMARE: Not posted. I was unclear whether the Bay Area
15 Air District had taken a position on 619 or not.

16 MR. CARLISLE: I do not know. I just got the email from Tom the
17 other day and he wanted to talk, so I suggested this
18 afternoon would be fine.

19 CHAIR LAMARE: Good. So if you do talk to him, it would be
20 helpful to us to get a written analysis if he has one -

21 MR. CARLISLE: Yes.

22 CHAIR LAMARE: - of what he thinks is the problem with the bill
23 so we can take a look at it.

24 MR. CARLISLE: the other question I was going to ask with regard
25 to AB616. At the last meeting, Don Chang had suggested we

1 not oppose or support any legislation. In the letter we had
2 previously sent to Assemblyman Jones we did in fact support
3 it, but we said we'd support it unless amended, if there are
4 any amendments, then we'd have to reevaluate the bill, so
5 something to consider that maybe we want to write a letter
6 that recommends the changes or doesn't recommend the
7 changes.

8 CHAIR LAMARE: Are you suggesting that we reissue our letter to
9 Assemblymember Jones?

10 MR. CARLISLE: I'm asking the question.

11 CHAIR LAMARE: Do the Members want to change our letter to
12 Assemblymember Jones? No, we're okay.

13 MR. CARLISLE: Okay.

14 CHAIR LAMARE: We just advised that in future how we're going to
15 write our letters. Any other comments on the legislative
16 update or legislation?

17 CHAIR LAMARE: Public comment. Mr. Peters?

18 MR. PETERS: AB616 has language in there that I think it says
19 that the Referee can repair cars and the original
20 legislation that came out of it was an Assembly bill that
21 the CAP payments were only low income. And then at some
22 point, that was changed to accommodate more than low income
23 and with questions being asked about the referee repairing
24 cars in South Coast and possibly in other places. The fact
25 that that's in there and attention is brought to it, I kind

1 of wonder what that all means. Is it the fact that we're
2 pulling the low income and changing low income up to 300
3 percent of federal poverty level empower us to create a
4 significant contractor at the State referee? I don't know
5 the answer to that, but I certainly question that and I -

6 CHAIR LAMARE: Do you have the bill in front of you, Mr. Peters?

7 MR. PETERS: No, I sure don't.

8 CHAIR LAMARE: Because -

9 MR. PETERS: Well, I might have actually, but -

10 CHAIR LAMARE: Who has the bill?

11 MR. PETERS: Rocky's got access to it.

12 CHAIR LAMARE: Okay, where does it say that the referee is going
13 to do repairs? I'll just comment while we're waiting on
14 that, that the South Coast program is using the referee, but
15 remember, they are contracting with the Community College
16 Foundation to perform specific services for them that are
17 independent of the referee services that the Community
18 College Foundation is performing for the State. So those
19 are two separate things. And the South Coast Program, under
20 AB923 is entirely independent of the Smog Check program.
21 It's an independent AB923 local district program to
22 accelerate emission reductions from light duty vehicles
23 beyond what the Smog Check program is getting. I don't
24 think that is really relevant to our Committee discussion on
25 Smog Check.

1 MR. CARLISLE: No, and this doesn't specifically point out the
2 referee. It simply says through entities authorized to
3 perform referee functions and at one time, it was conceived
4 that maybe Gold Stations could repair - you know, perform
5 referee functions, so I think this is just some old
6 language.

7 CHAIR LAMARE: I don't know what this language is because I
8 don't have it in front of me.

9 MR. CARLISLE: It's up on your monitor.

10 CHAIR LAMARE: It's not on my monitor because I've got the
11 timer.

12 MR. CARLISLE: If you - okay.

13 CHAIR LAMARE: So I just want to - I remember the hearing that
14 Assemblymember Jones was saying to some of the questions
15 that were raised to him, but that's language that's in the
16 law today, my bill isn't affecting it one way or another,
17 this bill isn't about that language. It's simply repeating
18 a code section. Is that what we're talking about here?

19 MR. CARLISLE: Yes.

20 CHAIR LAMARE: Okay.

21 MR. CARLISLE: Absolutely.

22 CHAIR LAMARE: So is -

23 MR. PETERS: Madam Chair, I said it was of interest to me and I
24 noted that the original language called for low income only
25 and that now that low income is being removed and I question

1 whether or not there might be an effort there to
2 significantly expand a different contracted repair for the
3 State of California. Whether you're concerned about that or
4 not, that's up to you, but I know there are some people in
5 the State of California that might be. Thank you.

6 CHAIR LAMARE: Okay, so one thing that's getting drawn to our
7 attention here is that the bill as originally introduced has
8 been amended and our letter addressed the original version.

9 MR. CARLISLE: Correct.

10 CHAIR LAMARE: So Committee Members are advised to review the
11 bill before our next meeting and staff to probably revisit
12 the bill and see what our letter - if our letter needs to be
13 revised. Do you think so, Rocky?

14 MR. CARLISLE: Yes, I do.

15 CHAIR LAMARE: Okay. Other comments on legislation? Public
16 comments?

17 --oOo--

18 CHAIR LAMARE: Any further public comments? Larry Sherwood?

19 MR. SHERWOOD: Larry Sherwood with the Sacramento Air District.
20 You may not want to reissue the letter yet. We had a
21 meeting with the Secretary of State and Consumer Services
22 and with the author and at that meeting, the author was
23 interested in modifying that language, so the cap probably
24 will be put back in and there was a number of other changes.

25 CHAIR LAMARE: So we should wait until the bill is -

1 MR. SHERWOOD: I would, yes.

2 CHAIR LAMARE: - perhaps we're seeing another version of the
3 bill.

4 MR. SHERWOOD: Right. It does - that 300 percent, that's the
5 same level that they use for Healthy Families and some other
6 programs, so there is some precedent on that as well.

7 CHAIR LAMARE: Can you tell us some more about how the bill is
8 evolving?

9 MR. SHERWOOD: Well -

10 CHAIR LAMARE: It's now in the Appropriations Subcommittee?

11 MR. SHERWOOD: Yes, actually Steve Archibald was at our meeting
12 the other day and spent an hour and a half with us and asked
13 a number of questions. He seems satisfied that the way the
14 thing is moving now - there will be some more analysis done
15 by the BAR and ourselves as to whether - how many vehicles
16 we're really talking about, how many people are going to
17 come under this. That 300 percent raises the family of four
18 income to somewhere around \$60,000 a year, so that's
19 probably going to include a lot of people, so that makes a
20 big change. But by putting a cap on the repair assistance,
21 I think that's a good thing.

22 CHAIR LAMARE: Other questions for Mr. Sherwood? Comments? I
23 think one of the issues was raised - I'm not sure it was
24 raised in the committee hearing itself, was that the cost of
25 Smog Check for those vehicles that are required to come in,

1 but they pass, and our Committee consultant has been talking
2 about how the cost for Smog Check in California is so much
3 greater than the average for other states and that with an
4 annual inspection should there be an attempt to address the
5 cost of the Smog Check.

6 MR. SHERWOOD: Well, there was some discussion about that. Dave
7 Jones is very concerned about low income people as well as
8 the environment and he wants to make sure everybody is whole
9 on this. He did talk about the cost of the Smog Check and
10 if there was a way to reimburse people for that. And part
11 of the discussion centered around, well, can we use the
12 high-emitter profile that the BAR uses now to narrow down
13 the field of people that are called in or allowed to do
14 this. So I think there's more work that needs to be done is
15 probably the message today, so it's probably premature for
16 you guys to spend a lot of time on it.

17 CHAIR LAMARE: Okay. So isn't the idea of the bill that the
18 legislature authorizes the Bureau to implement -

19 MR. SHERWOOD: Yes.

20 CHAIR LAMARE: - and the Bureau has the discretion of within
21 that category of 15-year older vehicles pinpointing?

22 MR. SHERWOOD: Right. And how they do that - there was a lot of
23 discussion about that as well. And there are several
24 different ways. You know, there were a number of options
25 that we explored in that meeting. It was a good meeting and

1 clearly I think the author is will to kind of push things
2 more toward the retirement side from the repair assistance
3 to make sure that it's not just an empty black hole there
4 for getting repairs done.

5 CHAIR LAMARE: Fix it and it breaks, fix it and it breaks.

6 MR. SHERWOOD: Yes. And the more times you do it and the car's
7 still on the street and it's still polluting, so I think he
8 understood that after a while.

9 CHAIR LAMARE: thank you for that report.

10 MR. SHERWOOD: Sure.

11 CHAIR LAMARE: Very helpful. Any other public comment?

12 --oOo--

13 CHAIR LAMARE: Well, we've talked a lot about Future Meeting
14 Topics. I don't know that we really need to do more on
15 that. Does anyone have any future meeting topic they
16 haven't mentioned? Mr. Nickey?

17 MEMBER NICKEY: Well, at least from my standpoint, I think we
18 keep avoiding this preconditioning issue. Somewhere we need
19 to address it.

20 CHAIR LAMARE: We did address it and -

21 MEMBER NICKEY: What's been done?

22 CHAIR LAMARE: - we made a recommendation in our report.

23 MEMBER NICKEY: And what happened?

24 MR. CARLISLE: It's my understanding that BAR is evaluating that
25 now. They're looking at a number of issues, but that's one

1 of them.

2 MEMBER NICKEY: Okay, I just haven't heard -

3 CHAIR LAMARE: So you would like to put it on the list of things

4 to ask BAR to report back to us on?

5 MEMBER NICKEY: I think so.

6 MR. CARLISLE: Okay.

7 MEMBER NICKEY: It's been some time as I recall.

8 MR. CARLISLE: Yes.

9 MEMBER NICKEY: Just a quick comment on the annual testing, the

10 wording of the - it still says that the proceeds from the

11 test - okay, it's got to say certificate proceeds.

12 CHAIR LAMARE: Right.

13 MEMBER NICKEY: Okay.

14 CHAIR LAMARE: So you don't want to give up your money?

15 MEMBER NICKEY: No.

16 CHAIR LAMARE: Okay.

17 MEMBER NICKEY: And just last, but not least and it's just a

18 throw-in, when we come up with a list of agenda items, I

19 think we ought to prioritize them, instead of just throwing

20 them out. We've got eight items. We should say, well, this

21 is like our top item, this is maybe two, three, four, five,

22 like that, so we've got some idea what our priorities are.

23 CHAIR LAMARE: Good point.

24 MR. CARLISLE: Well, some of them, like the updates, we need to

25 get those out into the morning because a lot of times the -

1 like the Chief at BAR, she has to leave, like she did today.
2 If we hadn't done it first thing, we wouldn't have had an
3 update from BAR. So some of the things we do it simply to
4 accommodate the agencies. Presentations the same way.

5 CHAIR LAMARE: Well, when we get the transcript and you go
6 through and identify the things that we've talked about
7 today that we want to do more on, we need that list.

8 MR. CARLISLE: Absolutely.

9 CHAIR LAMARE: So then we can come back and say, okay, let's do
10 a little analysis. Each one of us rank our top five and
11 then see where we're going, because have a lot on the
12 agenda.

13 MR. CARLISLE: Yes, we do.

14 CHAIR LAMARE: And I in fact submitted a list, which isn't here,
15 to Rocky of 13 or 15 items from the South Coast Forum that
16 were questions at the end of the forum deserving of
17 attention, which I would throw on that list, so we've got a
18 huge list of things to look at.

19 MR. CARLISLE: Yes, May will be busy as well.

20 CHAIR LAMARE: Yes.

21 MEMBER NICKEY: On the issue of the cost of Smog Check, if
22 anyone would like me to do a break out of what it costs to
23 run one of these places, what overhead costs and how the
24 price is determined, I'd be really happy to put it on.

25 CHAIR LAMARE: Thank you. Jeffrey?

1 MEMBER WILLIAMS: If I'm to have an interview with the
2 appointment secretary, I should admit to my obsession. When
3 will we be hearing about HEP?

4 MR. CARLISLE: About what?

5 MEMBER WILLIAMS: HEP.

6 MR. CARLISLE: Let me call BAR on that one, too. Fair question.

7 CHAIR LAMARE: I recognize Mr. Goldstene.

8 MR. GOLDSTENE: That's a very good question, Dr. Williams, and
9 we do want you to be well-prepared for your interview. The
10 plan is it's the same contractor, ERG, that's finishing the
11 RSD - or the remote sensing report and also developed the
12 HEP, and they are willing to come and make a presentation,
13 but we have told them they have to finish the remote sensing
14 report first. So as soon as that report's done, again,
15 hopefully this week, and we'll get it out in the next week
16 or two, then we can focus on the report on the HEP.

17 MR. CARLISLE: But what I was also going to do, just so you
18 know, is arrange a meeting with BAR staff because they may
19 be able to answer your questions, I'm not sure.

20 CHAIR LAMARE: Well, it occurs to me if we're going to have ERG
21 here, maybe we aren't, on the RSD study that it might be
22 timely to get a briefing on the HEP as well. Is that it?
23 No more comments from Members? No more comments from the
24 public? Thank you all for being here. It looks like we
25 will meet in May. We'll give it an 85 percent chance. Oh,

1 we do have one further public comment. Mr. Peters?

2 MR. PETERS: Madam Chairwoman and Committee, I didn't hear
3 public comments. I thought you were asking for comments on
4 the subject at hand. I apologize. I was here yesterday, as
5 a matter of fact, sitting in the same seat, for the AB32
6 hearing and one of the things that I asked them about was
7 the cars that are tested and failed and subsequently passed
8 that are retested within six months and some 40 percent,
9 quote, end quote, failure rate, the question is, is there an
10 opportunity for excess CO2 reductions there, excess toxic
11 reductions there, that possibly improved oversight might
12 identify and assist in providing better management of the
13 program to maybe cut that down from 40 percent to 10 percent
14 and maybe without spending any more money, maybe even
15 spending less. So I know you've heard that comment once or
16 twice before, but I still say if we find out what's broken
17 on the car and find out if it gets fixed, give people an
18 opportunity to respond by actually repairing the cars, we
19 might save a lot of money, we might better serve the public
20 and we might take 1,000 tons a day of emissions reductions
21 that is many times more than everything you talked about
22 today. And that may not cost anything and it may be very
23 simple to demonstrate and quantify. I would petition you to
24 consider the possibility of doing a little pilot study or
25 giving that some consideration to find out if we can find

1 out if what's broken on the car gets repaired and use that
2 as a basis for improving the outcome of the program, which
3 obviously, there are opportunities to make it better when we
4 have a 40 percent failure rate within six months.
5 Something's going on there, somebody deserves to take a look
6 at that and I certainly am going to continue to request that
7 as many places as I can and I think we're going to get it
8 done.

9 CHAIR LAMARE: Well, good point, Charlie, but I think that's the
10 point of the Sierra Research study, that's what they're
11 doing.

12 MR. PETERS: Are they finding out what's broken and finding out
13 if it gets fixed?

14 CHAIR LAMARE: We're going to keep asking.

15 MR. PETERS: That's a very good question and I'd certainly like
16 to know the answer to it.

17 CHAIR LAMARE: Well, thank you. Ready to adjourn? Do I have a
18 motion?

19 MEMBER HISSERICH: I'll move to adjourn.

20 CHAIR LAMARE: Moved by Dr. Hisserich.

21 MEMBER HEASTON: Second.

22 CHAIR LAMARE: Seconded by Eldon Heaston. We are going to
23 adjourn until May. All those in favor?

24 ALL MEMBERS: Aye.

25 CHAIR LAMARE: No one's opposed; the motion passes.

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- MEETING ADJOURNED -

TRANSCRIBER'S CERTIFICATION

This is to certify that I, TERRI O'BRIEN, transcribed the tape-recorded public meeting of the Bureau of Automotive Repair dated April 24, 2007; that the pages numbered 1 through 174 constitute said transcript; that the same is a complete and accurate transcription of the aforesaid to the best of my ability.

Dated April 30, 2007.

Terri O'Brien, Transcriber
Foothill Transcription